

# DIGEST OF CASES REPORTED IN THE SOLICITORS' JOURNAL & WEEKLY REPORTER VOLUME 62.

## ACCOUNTANT:—

*Institute of Chartered Accountants*—"Honours final"—*Excluded member*—*Holding out as still a member*—*Injunction*.—An accountant who had obtained honours in the final examination, but who had been excluded from membership of the Institute of Chartered Accountants, headed his letters with the words "Honours Final, Institute of Chartered Accountants."

Held, that he must be restrained from using the words so as to lead to the belief that he was still a member of the institute.—*INSTITUTE OF CHARTERED ACCOUNTS v. HARDWICK, Eve, J., 702.*

## AGRICULTURAL HOLDING:—

*Compensation for improvements*—*Meaning of "holding"*—*Inn let with farm land and buildings*—*Agricultural Holdings Act, 1908, s. 48*.—Property let by a verbal agreement in one demise consisted of an inn and outbuildings, eighty-six acres of pastoral land, some farm buildings and a cottage.

Held, not to be a "holding" within the meaning of section 48 of the Agricultural Holdings Act, 1908.—*RE LANCASTER AND MACNAMARA, C.A., 681.*

## ALIENS:—

*Deportation*—*Ship*—*Selection of destination*—*Aliens Restriction Act, 1914, s. 1*—*Aliens Restriction Order, 1916, art. 12 (2)*.—A French subject within military age, who was required to be placed at the disposal of the French military authority, agreed to receive his passport to go to France to join the French Army on a certain day. He failed to present himself, and the Home Secretary, under powers given him by the Aliens Restriction Act, 1914, and orders made thereunder, ordered his deportation during the continuance of the war. He was arrested under the order, and taken to a police station for the purpose of being sent to Southampton. He thereupon applied for a rule nisi for a writ of habeas corpus. The Divisional Court discharged the rule, holding that the question was covered by the decision in *Rex v. Home Secretary, Ex parte Duke of Chateau Thierry* (61 SOLICITORS' JOURNAL, 367; 1917, 1 K. B. 922). The applicant appealed upon the ground that all the above case decided was that a deportee could not select his own ship, but left the further question whether the Home Secretary had power to select a ship and thus, in fact, deliberately deport him to a particular destination.

Held, that the Home Secretary had an absolute discretion to select the ship, and that his selection of one going to a destination objected to by the deportee was not *ultra vires*.—*REX v. CHISWICK POLICE, C.A., 363; 1918, 1 K. B. 578.*

See also *Habeas Corpus*; *Probate*.

## AMBASSADOR:—

*Privilege*—*Administration action*—*Submission to jurisdiction to judgment*—*Order to pay money into court*—*Writ of sequestration*—*Assertion of immunity from execution*—*Diplomatic Privileges Act, 1708 (7 Anne, c. 12), s. 3*—*Courts (Emergency Powers) Acts, 1914, 1916*.—Evidence established that an Ambassador, who in 1914 was sued as administrator to an intestate's estate, had submitted, with the consent of his Government, to the jurisdiction of the courts of this country, and, further, that at the present time he had ceased to be a representative Minister of his Government. In March, 1917, he was ordered to pay by a certain date a sum found due from him to the estate. He thereupon secretly left this country. *Eve, J.*, made an order that sequestration should issue against property the defendant had in this country, and the defendant appealed.

Held, on the facts, that the privilege granted by the statute of Anne could not be set up by the appellant against the right to issue execution to enforce an order of this court that he should pay over money found owing by him to the estate.—*RE SUAREZ, C.A., 158; 1918, 1 Ch. 176.*

## ANNUITY:—

*Income tax*—*Sum to be paid in each and every calendar month*—*Annuity*—*Annual sum*—*Income Tax Act, 1853 (16 & 17 Vict. c. 34), ss. 1, 2 and 40*.—The payment of a sum of £50 "in each and every calendar month" by a testator's trustees to his wife during her life may be the payment of an annuity within the meaning of the Income Tax Act, 1853, and in any event is the payment of an annual sum within the meaning of that Act, although it is payable with reference to an aliquot part of the said year; and is accordingly an annual payment in respect of which income tax ought to have been deducted.

*Bebb v. Bunny* (1 K. & J. 216) applied.

There can be a gift of an annuity although there is no reference to a year.

"Interest" means "yearly interest," although it may be payable in a lump sum at an uncertain date.

*Re Craven's Mortgage* (1907, 2 Ch. 448) applied.—*RE COOPER, Sargant, J., 230.*

See also *Will*.

## APPEAL:—

*Motion for judgment n. new trial*—*No evidence to support finding of jury*—*Power of Court of Appeal to enter judgment*.—The Court of Appeal is not at liberty to usurp the functions of a jury, and to reverse their decision on questions of fact where there is some appreciable evidence both ways; yet when all the facts have been ascertained, and there is no prospect of adducing further evidence if the case is re-heard, and the evidence adduced can only lead to one reasonable conclusion, and is uncontradicted, if the verdict of the jury on that evidence is seen to be quite unreasonable the Court of Appeal is not bound to direct a new trial, but is at liberty to draw its own conclusions and enter judgment for the opposite party.—*WINTERBOTHAM & Co. v. SIBTHORP, C.A., 364; 1918, 1 K. B. 625.*

APPOINTMENT.—See *Power*.

## APPORTIONMENT:—

*Trust for sale*—*Power to postpone*—*Whole income to be applied as income pending conversion*—*Exclusion of Act*—*Apportionment Act, 1870, s. 7*.—Where a will contained a trust for sale with power to postpone and with a very wide clause as to the whole of the income from unconverted property passing as income.

Held, that such a clause was not an express stipulation against apportionment so as to bring the case within section 7 of the Apportionment Act, 1870, and exclude the operation of such Act.

In *Re Lysaght* (1878, 1 Ch. 115) and *Re Meredith* (1888, W. N. 48) the operation of the Apportionment Act was excluded—in the one because it was a case of a gift of the whole of the dividends accruing on particular shares, and in the other because it was a gift of the whole of the income derived under a particular deed.

These cases do not apply to the present case.—*RE EDWARDS, Astbury, J., 191; 1918, 1 Ch. 142.*

## ARBITRATION:—

1. *Agreement containing arbitration clause*—*Action in county court*—*"Step in proceedings"*—*Stay of action*—*Arbitration Act, 1889, s. 4*.—The plaintiffs sued in the county court upon an agreement of service which contained an arbitration clause. The agreement was in the plaintiffs' possession for the eight years the service continued; the defendant was ignorant of its contents, and had no copy. The defendant applied in the action for particulars of claim. As they were not supplied he took out a summons, and obtained an order for particulars, and he also agreed to an order against him for discovery. Subsequently he obtained a copy of the agreement, and, finding it contained an arbitration clause, applied for stay

of the action. The county court judge granted a stay, and the plaintiffs appealed.

Held, the defendant had taken a step in the proceedings, and that the appeal should be allowed.—*PARKER, GAINS & Co. v. TURPIN, K.B.D.*, 331; 1918, 1 K. B. 358.

2. *General or specific question submitted to arbitrator—Error in law on face of award.*—Owners of fishing smacks were insured in an insurance society whose rules provided for the submission of all disputes to arbitration. Whilst the smacks were fishing they were attacked by a German submarine, and, to escape, the trawling gear, which was not insured, was cut away and lost. The assured claimed against the society as for a general average loss. The claim was referred under the rules, and the umpire made an award against the assured, which was bad in law on its face. The assured moved to set aside the award on this ground, and the society contended that a specific question of law had been referred, therefore the Court had not jurisdiction to set aside the award.

Held, on the construction of the terms of submission to arbitration, that there was no reference of any one specific question of law and the Court had jurisdiction to set aside the award.—*RE PARSONS AND BRIKHAM FISHING SMACK INSURANCE SOCIETY, K.B.D.*, 384

#### ARMY:—

1. *Exemption—"Final"—Formal application for renewal of certificate setting out the grounds and fresh facts relied on—Decision—Consideration of the written application—Validity—Military Service Regulations (of 1st June, 1916), Part 1, s. 2, Regulations 4, 16.*—Regulation 4 of Part 1, section 2, of the Military Service Regulations (dated 1st June, 1916), provides: "All applications to the local tribunal shall be heard in public unless the tribunal in any particular case, due regard being had to the interests of the parties and of any other person concerned in the application, consider that an application or any part of the proceedings therein should be heard in private . . ."

Regulation 16 provides:

(a) For the purposes of ascertaining the facts relevant to the decision of an application the local tribunal may hear such witnesses as they think fit: provided that they shall in all cases hear the parties to the application and the man in respect of whom the application is made, or those of them as appear.

(b) The applicant may conduct his own application or may be represented by any person appointed by him for that purpose.

(c) Any party to an application, or his representative, . . . may put relevant questions to any part to the application, . . . and may place any facts relevant to the application before the tribunal.

S. was granted, by the London Appeal Tribunal, a two months' exemption, "final," which expired in December, 1917. His solicitor subsequently lodged with the Appeal Tribunal a formal application for leave to apply for a renewal of his certificate of exemption, and in a covering letter set out fully the grounds upon which the application was based. The application was refused. Thereupon S. applied for a rule nisi for a *mandamus* to the Appeal Tribunal to hear and determine his application in public, contending that under the above regulations the tribunal had no power to decide a question affecting his status on the consideration of a written application, and that their having purported to do so deprived him of the right to be present and give oral evidence in support of the fresh facts on which he relied.

Held, that the tribunal was not bound to hear the applicant, but were entitled to come to a decision on the evidence set out by him in his written application. The rule was accordingly refused.—*REX v. LONDON APPEAL TRIBUNAL, C.A.*, 383.

2. *Exemption—Rehearing—Military Service Act, 1916 (Session 2) (6 & 7 Geo. 5, c. 15), s. 4, sub-section 5—Military Service Regulations (Amendment) Orders, 1916 and 1917.*—The meaning of rule 2, of Part III., of the Military Service Regulations (Amendment) Order, 1916, as amplified by rule 3, of Part III., of the Military Service Regulations (Amendment) Order, 1917, is that where a man has been called up for service with the colours the consent of the Army Council must be obtained before any proceedings for a rehearing of his appeal for exemption can be instituted, whether those proceedings are for a rehearing itself or for an application for a rehearing.

The practice of tribunals of first hearing an application for a rehearing and then, if necessary, applying for the consent of the Army Council is sometimes open to objection as tending to multiply proceedings.—*THE KING v. HULL AND EAST RIDING TRIBUNAL, K.B.D.*, 24

3. *Exemption—"Regular minister of religious denomination"—Person becoming such after "appointed date"—Military Service Act, 1916, (5 & 6 Geo. 5, c. 104), First Schedule, Clause 4—Military Service Act, 1916 (Session 2) (6 & 7 Geo. 5, c. 15), s. 1, sub-section 1.*—In February, 1917, A. became, as was found by the

Court, a regular minister of a religious denomination. On 3rd May, 1917, he was called up for service.

Held, that A. became a regular minister of a religious denomination after 24th June, 1916, which was the appointed date for him, and therefore did not come within the exception set out in clause 4 in the First Schedule to the Military Service Act, 1916.

The meaning of the words "for the time being" in section 1, sub-section 1, of the military Service Act, 1916 (Session 2), is "at the appointed date" and not "from time to time."

*Ex parte Freyberger* (1917, 2 K. B. 129) explained and applied.—*STONE v. WOOD, K.B.D.*, 35.

4. *Exemption from military service—Tribunal to determine such claim—"Civil court"—Army Act, 1881 (44 & 45 Vict. c. 58), s. 190, sub-sections 31 and 35—Military Service Act.*—An action will not lie in the High Court for a declaration that a person is under no obligation in law to comply with a notice calling him up for military service under the Military Service Act.

The High Court of Justice is not a civil court within the meaning of the definition of "civil court" in section 190 (31) of the Army Act, 1881, and the Legislature has by section 1 (2) of the Military Service Act, 1916 (5 & 6 Geo. 5, c. 104), pointed out the particular tribunal to try questions under the Military Service Act.

*Dyson v. The Attorney-General* (1912, 1 Ch. 158) does not apply to such a case as this.—*FLINT v. ATTORNEY-GENERAL, Neville, J.*, 121; 1918, 1 Ch. 216.

5. *Exemption from military service—Tribunal to determine such claim—Civil court—Decision of court of summary jurisdiction on facts—Army Act, 1881 (44 & 45 Vict. c. 58)—Military Service Act, 1916 (5 & 6 Geo. 5, c. 104).*—In an action in the High Court for a declaration that the plaintiff was not liable to military service, his claim was dismissed. After that decision the military authorities took proceedings before the justices, who decided on the facts that the plaintiff was not within the exemptions in Schedule 1 of the Military Service Act, 1916, and on a case stated the decision was upheld. On appeal in the action,

Held, that as it had been decided as a fact that the plaintiff was liable to military service, the question of law raised below could not be gone into, and the appeal must be dismissed.—*FLINT v. ATTORNEY-GENERAL (No. 2), C.A.*, 535.

#### BANKER:—

1. *Cheque—Space for amount in words left blank—Liability of banker on cheque—Mandate to pay—Amount fraudulently altered by confidential clerk—Alteration rendered easy owing to the way cheque was drawn—Duty of customer to take precautions against forgery.*—A partner in a firm having a banking account with the defendant bank signed a cheque for petty cash for £2. The cheque was brought for his signature by a clerk who had been in the office for many years, and whose honesty the partners had no reason to doubt. It was his duty to draw the cheques for the partners to sign. In this case the amount was not filled in on the cheque in words, and the omission was not noticed by the partner who signed it. Subsequently the clerk filled in the words "one hundred and twenty pounds," and added the figures "1" and "0" respectively before and after the figure "2" and cashed the cheque for £120. The fraud being discovered, the firm sued the bank and recovered £118.

Held, that the signing of the cheque in the above circumstances constituted such negligence on the part of the customer as brought the case within the principle laid down in *Young v. Grote* (1829, 4 Bing. 253), and the loss must fall on the customer.

*Schofield v. Londesborough* (1896, A. C. 514) distinguished.

*Colonial Bank of Australasia v. Marshall* (1906, A. C. 559) considered.

Decision of the Court of Appeal (61 SOLICITORS' JOURNAL, 523; 1917, 2 K. B. 439) reversed.—*LONDON JOINT STOCK BANK v. MACMILLAN, H.L.*, 650.

2. *Negligence—Alleged duty to advise customer as to investment—Action for damages brought "by reason of" defendants' agent's "Representation or assurance"—Statute of Frauds Amendment Act, 1828 (Lord Tenterden's Act) (9 Geo. 4, c. 14), s. 6.*—The manager of a branch of a bank has no general authority from the bank or duty to a customer to advise such customer on the proper investment of his money so as to render the bank liable in the event of his giving negligent advice causing loss to the customer.

So held (Lord Finlay, C., on the evidence dissenting), affirming the decision of the Court of Appeal.

Held, further, by all their lordships, who unanimously disagreed with the opinion of the Court of Appeal on this point, that section 6 of Lord Tenterden's Act bars the action only where the misrepresentations are made fraudulently.

Decision of the Court of Appeal (61 SOLICITORS' JOURNAL, 129; 1917, 1 K. B. 409) affirmed.—*BANBURY v. BANK OF MONTREAL, H.L.*, 665.



## BANKRUPTCY:—

1. *Emergency powers—Bankruptcy notice—Judgment for costs—Bankruptcy Act 1914, s. 1—Courts (Emergency Powers) Act, 1914, s. 1.*—Leave under the Courts Emergency Powers Act is required before the service of a bankruptcy notice founded on a judgment for costs in on action of contract.—*RE WACHTER, Bkey.*, 603.

2. *Proof—Bills effected by fraud—Particulars required—Bankruptcy Act, 1914 (4 & 5 Geo. 5, c. 59), Schedule II, s. 23.*—Where a trustee under a scheme of arrangement in bankruptcy rejected a proof in respect of certain bills, giving as grounds for such rejection (1), that the acceptance, issue and negotiation of each of the said bills were effected by fraud, and (2) that the said bills were taken with knowledge that the givers of them had no rights thereto, and the applicant asked for particulars of the alleged fraud and of the creditor's knowledge.

Held, that as to (1) the notice of rejection did not set forth sufficient grounds, and accordingly the appeal must be allowed; but that as to (2) the grounds were sufficient, and that appeal must be dismissed.

Held, further, that each of these cases of application for further and better particulars of grounds of rejection must be decided on its own merits.—*RE A DEBTOR (No. 3 of 1909), Bkey.*, 71.

3. *Receiving order—Debtor resident in Ireland—Proceedings in Irish Bankruptcy Court by other creditors—Composition—Certificate of conformity—Effect on English bankruptcy proceedings—Bankrupt and Insolvent (Ireland) Act, 1857 (20 & 21 Vict. c. 60)—Bankruptcy (Ireland) Amendment Act, 1872 (35 & 36 Vict. c. 58).*—The certificate issued by the Bankruptcy Court in Ireland certifying a private composition made between a debtor and creditors in Ireland in the form of Schedule C to the Bankruptcy (Ireland) Amendment Act, 1872, while operating, in pursuance of section 64 thereof, to all intents and purposes as a certificate of discharge from all bankruptcy proceedings in Ireland, does not extend to operate as a discharge in the English courts, so as to bar the claim of an English creditor in respect of a debt incurred and payable in England, where he has not assented to the composition.—*RE A DEBTOR (333 of 1917), C.A.*, 348.

4. *Undischarged bankrupt—After-acquired property—Shares—Charging order obtained—Validity—Judgments Act, 1838 (1 & 2 Vict. c. 110), s. 14.*—A charging order under the Judgments Act, 1838, s. 14, on the after-acquired property of a bankrupt is not a "transaction for value" within the definition laid down in *Cohen v. Mitchell* (25 Q. B. D. 262), and now embodied in the Bankruptcy Act, 1914, s. 47, and is therefore not protected against the trustee in bankruptcy.

*Re O'Shea's Settlement* (1895, 1 Ch. 325) applied.

Decision of *Astbury, J.* (*ante*, p. 520), reversed.—*HOSACK v. ROBINS, C.A.*, 681.

## BUSINESS NAME:—

*Failure to register—Enforcing rights under or arising out of business contract—Interpleader issue—Property rights—Registration of Business Names Act, 1916 (6 & 7 Geo. 5, c. 58), s. 8 (1).*—The plaintiff D. obtained judgment on 31st January, 1917, against R., who carried on business as a ladies' costume maker, and on 12th June certain goods were seized on the premises under the judgment. These goods were claimed by Miss F. Under an assignment dated 9th January, 1917, R. sold the goodwill and stock in-trade of his business to the claimant, who carried on a similar business at another address as L., but who, after the sale, also carried on business under the name of L. at her new premises. F. had not registered under the Business Names Act, 1916. Interpleader proceedings followed, and the execution creditor contended (*inter alia*) that as F. was not registered under the Act of 1916 she was precluded from enforcing any right to the goods.

Held, that although F.'s right to the goods was originally derived from the assignment of 9th January, 1917, her right at the time of the claim rested on her common law title by possession, and was unaffected by the statute.—*DANIEL v. ROGERS, C.A.*, 583; 1918, 2 K. B. 228.

## CAPITAL AND INCOME:—

*Settled estate—Proceeds of sale of larch plantation—Cutting before maturity—"Annual produce"—"Due and proper course"—Sale of wood at high price owing to war emergency—Apportionment of proceeds between tenant for life and remaindermen.*—The trustees of a will devising real estate in trust for sale, the annual produce of the estate until sale to be deemed income and applicable as such, entered into a contract with the Controller of Timber Supplies for the sale of a larch plantation and selected larch trees at a price greatly enhanced by the needs created by the war and the cessation of imports of pitwood. The trees were of twenty-five years' growth, and in the ordinary course would not have been mature for cutting for another twenty-five or thirty years. On an applica-

tion by summons for apportionment of the proceeds, *Astbury, J.*, divided them equally between tenant for life and remaindermen. On appeal to the Court of Appeal by the life tenants,

Held, that this was at least as much as the life tenants were entitled to, and, there being no cross appeal by the remaindermen, the appeal must be dismissed.

*Re Harrison* (28 Ch. D. 220) applied.—*RE TERRY, C.A.*, 710.

## CARRIER:—

1. *Goods—Carriage by land and sea—Value and nature undeclared—Loss—No evidence whether loss by land or sea—Carriers Act, 1830 (11 Geo. 4 and 1 Will. 4, c. 68), s. 1.*—Goods were delivered to a railway company to be carried from London to Belfast. On the way the goods were lost, but no evidence was available to shew how, when, or where the loss had occurred. The value and nature of the goods had not been declared under section 1 of the Carriers Act, 1830.

Held, that in order to relieve themselves from liability, the defendant company must shew affirmatively that the loss had taken place on land, and not on the sea.—*ASHTON & Co. v. L. & N. W. RAILWAY, K.B.D.*, 350; 1918, 1 K. B. 488.

2. *Passenger—Personal injury—Condition on ticket exempting shipowner from liability—Passenger's failure to read condition—Reasonable notice.*—The appellant was a passenger on the respondents' liner *California* from New York to Glasgow. On the voyage the ship stranded on the north coast of Ireland, and the passengers had to be transhipped to another vessel. In the course of the operation the appellant was allowed to fall out of a trough used to lift the passengers. He claimed £10,000 damages, alleging that the accident was due to the negligence of the respondents' servants. The defence was that by virtue of a special condition printed on the ticket, to which a notice printed in big type on the face of the ticket called attention, the liability of the company was limited to £10. The appellant said he had not read the conditions on the ticket. The Lord Ordinary and the Second Division held that the respondents had taken sufficient steps to give reasonable notice of the conditions to the passenger, and that he must be taken to have assented to them. The appellant appealed.

Held, that the appellant had deliberately taken the risk of there being conditions on the ticket, and could not be heard to say that he was not bound by them, merely because he chose to disregard the warning printed on the face of the ticket.

Decision of the Court of Session (reported 1916, S. C. 547, 55 Sc. L. R. 48) affirmed.—*HOOD v. ANCHOR LINE, H.L.*, 680.

3. *Railway—Goods delivered to wrong consignee—Conversion—Representations by carrier as to nature of goods—Estoppel.*—Owing to the negligence of the servants of one of the plaintiffs, two consignments of goods, one being carbolic and the other creosote, were wrongly labelled in the trucks, and the carbolic was delivered to the consignee of the creosote, the defendants, at the station. The advice note sent by the railway company to him had stated the contents of the trucks as creosote, but with reasonable care the defendants' carter, who took delivery, would have discovered that he was not taking delivery of the creosote. The defendant used the carbolic, without further inquiry, in his own business, and destroyed its value for the true owners. The delivering railway company, having paid the true owner the value of the carbolic as damages for non-delivery, sued the defendant for the amount they had paid.

Held, that the defendant was liable for conversion to the railway company or to the true owners of the goods, as, although the servants of the delivering railway company were negligent, the company was not estopped by its representations respecting the goods, since no reasonable person could have taken delivery of the carbolic for creosote.—*LANCS. & YORKS. RAILWAY v. MACNICOLL, K.B.D.*, 365.

## CHARITY:—

*Charitable bequest—Gift for children's annual treat—Advancement of education—Public purposes—Validity.*—A bequest of income to provide an annual treat or field day for the school children of T. is a good charitable gift.—*RE MELLODY, Eve, J.*, 121; 1918, 1 Ch. 228.

See also *Will*.

## COMMON:—

*Encroachment—Map on award of Inclosure Commissioners—Ditch-width—Conservators right to sue—Commons Act, 1876 (39 & 40 Vict. c. 56), s. 36—Statute of Limitations.*—A map annexed to an award made by the Inclosure Commissioners for the regulation of a common is admissible in evidence on the question of the boundaries of the said common, and is conclusive of the limit and extent of the common at the date of the award.

*Chislehurst Common Conservators v. Newton* (1901, 1 Ch. 389) followed.

There is no presumption of law that the owner of a hedge is entitled to the ownership of ditch-width of four or any other number of feet on the further side where no ditch existed nor was found to have ever existed.

In view of the fact that, by section 36 of the Commons Act, 1876, a common regulated under the Act is not to be enclosed without the sanction of Parliament, the Statute of Limitations does not apply to enable an owner of closes abutting on the common to acquire a title under the said statute. Conservators of a common have a right to bring an action against an alleged encroacher upon the common for a declaration as to the extent of such common.

*Louth Urban District Council v. West* (1896, 65 L. J. Q. B. 535) followed.—*Collis v. Amphlett*, *Younger, J.*, 37.

#### COMPANY:—

1. *Alien enemy shareholders and creditors—Winding-up by court—Winding-up by Board of Trade—Preferential payment of English creditors—Trading with the Enemy Amendment Act, 1916, s. 1.*—Where a winding-up order was made by the Court, and such winding-up was stayed by the Court for six months, during which time an order was made appointing a controller under section 1, sub-section 1 (a), of the Trading with the Enemy Amendment Act, 1916,

Held, on a motion to perpetuate the stay of proceedings in the circumstances, that the proper course was to substitute the Board of Trade as petitioners in the winding-up by the Court, and after providing for payment of the taxed costs of the petition up to date out of the assets, and handing over the balance to the controller, that the stay should be continued till the proceedings under the Board of Trade had been completed, and that thereafter the Board of Trade, as petitioners under the winding-up order of the Court, might obtain the final dissolution of the company.—*RE CEDES ELECTRIC TRACTION, Neville, J.*, 70.

2. *Commission for managing director on "net profits"—Excess profits duty—Finance (No. 2) Act, 1915 (5 & 6 Geo. 5, c. 89), s. 38.*—Where a company agreed to pay a managing director "a commission of 25 per cent. on the net profits of the business,"

Held, that excess profits duty ought not to be deducted from the profits of the company before the amount of the defendant's commission is ascertained.

*Attorney-General v. Ashton Gas Co.* (1904, 2 Ch. 621, and 1906, A. C. 10) applied.—*Fellows v. Cocker, Neville, J.*, 54; 1918, 1 Ch. 9.

3. *Debenture stockholders' action—Claim to treat moneys as capital—Payment of dividends out of capital—No charge on assets—Right to sue.*—Debenture stockholders, who have no direct or immediate interest in a particular fund and no specific charge on it, cannot restrain the company from applying such fund in payment of dividends on the share capital, even though the assets are insufficient to provide for the loan capital.

*Verner v. General Commercial and Investment Trust* (1894, 2 Ch. 239) followed.—*LAWRENCE v. WEST SOMERSET RAILWAY, Eve, J.*, 652.

4. *Directors—Removal of—General meeting—Companies Clauses Consolidation Act, 1845 (8 & 9 Vict. c. 16), s. 91.*—A general meeting has power to remove directors where there is no provision in the Act incorporating the company for the removal of directors. Where a sufficient number of shareholders, acting under section 70 of the Companies Clauses Consolidation Act, 1845, required the directors to convene an extraordinary meeting to remove all or any of the present directors, and to appoint directors to fill up the vacancies caused by such removal, and to appoint an additional director to make the numbers of directors up to the full number, and the directors refused to do so, and the shareholders convened and held their own meeting and effected such removal.

Held, that such removal was valid.  
*Isle of Wight Railway Co. v. Tahourdin* (25 Ch. D. 320) applied.  
—*WEST SOMERSET MINERAL RAILWAY v. ROBINSON, Astbury, J.*, 175.

5. *Reduction of capital—Practice.*—A petition for the reduction of the capital of a company must state that the capital proposed to be paid off is in excess of the wants of the company.—*RE TARAPACA NITRATE CO., Younger, J.*, 122.

6. *Revaluation of assets—Declaration of dividends out of current year's profits—Previous loss on trading not met before dividend was declared—Claim for a declaration that dividend was ultra vires as paid out of capital.*—The appellant company had been working at a loss, and the directors proposed to have the fixed assets of the company revalued for the purpose of enabling the company to obtain further capital by the issue of preference shares. The valuation was made and the shares issued with the approval of the shareholders in general meeting. All the share interest in the

company was acquired by another company. A new board of directors was appointed, and it was resolved that the dividends sanctioned and paid by the former directors was a payment "out of capital," and being *ultra vires* the company, and illegal, the directors who sanctioned it ought personally to repay the same. The action brought pursuant to the resolution was dismissed and the plaintiff company appealed. On the hearing of the appeal the main question raised was whether it was legal for a company to pay dividends out of current profits when, as the result of past trading, the profit and loss account as a whole showed there had been a loss.

The Court, in dismissing the appeal, answered the question in the affirmative, expressing the opinion that directors could pay a dividend under such circumstances, and in the absence of *mala fides* on their part were not liable to refund such dividend to the company.

*Dovey v. Cory* (1901, A. C. 477) considered and explained.—*AMMONIA SODA Co. v. CHAMBERLAIN, C.A.*, 85; 1918, 1 Ch. 266.

7. *Winding-up—Memorandum of association—Objects clause—No restriction on powers—All objects to be independent of each other—Power to invest in shares of another company—Companies (Consolidation) Act, 1908 (8 Ed. 7, c. 69), s. 3.*—Where the registrar has allowed the registration of a company's memorandum of association and a question arises as to whether the objects of "its business" are so stated as to comply with section 3 of the Companies (Consolidation) Act, 1908, that question cannot be considered by the court on a summons to have it determined if a particular transaction was *ultra vires* the powers given by the memorandum of association for the directors to enter into.

Held, therefore, that, as the object clause of the appellant company's memorandum of association was in such wide general terms as practically to include any transaction "which may be considered capable of being profitably held or dealt with by the company," the company, though in liquidation, could not avoid the liability on shares allotted to them in another company, now being compulsorily wound up, on the ground that the subscribing for such shares was *ultra vires* the main object for which the company was promoted, and they were rightly included in the "B" list of contributories.

*Semble*, that the registrar might refuse to register a memorandum of association which contained an object clause setting out a profusion of objects as not complying with section 3 of the Companies (Consolidation) Act, 1908.—*COTMAN v. BROUGHAM, H.L.*, 534.

See also *Receiver*.

#### CONTRACT:—

1. *Deliveries—Suspension clause in event of war—Dissolution—Public policy.*—A contract was made in 1912 between British and Austrian subjects for the sale of iron ore to be delivered during 1914 and 1915. There was a suspension clause in the contract providing that, in case of stoppage of mines or works, or of loss or delay during transit owing to accidents, strikes, lock-outs, wars, or any other cause beyond the control of the sellers or the buyers, the deliveries might be wholly or partially suspended by sellers or buyers, and the contract also provided for the reference of any dispute to arbitration in London.

Held, that the suspension clause did not extend to a direct war between Great Britain and Austria; that if it did the contract was dissolved on the outbreak of war, as it contemplated a continuance of intercourse after the outbreak of war; and that the postponement of deliveries until after the war was contrary to public policy, and suspension clause was therefore void.—*NAYLOR & CO. v. KRAMISCHE INDUSTRIE GESELLSCHAFT, K.B.D.*, 308; 1918, 1 K. B. 331.

2. *Hire-purchase agreement—Option to purchase—Sale by bailee—Rights of purchaser—Assignability of option—Detinue—Conversion—Measure of damages.*—The plaintiffs by a hire-purchase agreement let piano at a quarterly rent, the hirer to have an option of purchase on payment of all instalments in full, and until then to be merely a bailee. After having duly paid certain instalments the hirer sold the piano, as being her own, to the defendant, who became tenant of her flat, where the piano remained. On the plaintiffs suing the defendant in detinue and conversion, the latter paid the total balance of instalments due into court. The county court judge held this was a good defence to the action. The Divisional Court (1918, 2 K. B. 115) reversed this decision.

Held (reversing the decision of the Divisional Court), that it was not open to it to find that the sale was fraudulent, and amounted to a repudiation of the agreement, but that the option of purchase was assignable, and was duly vested in the purchaser by the sale, and that the measure of damages in detinue was the balance due under the agreement which had been paid by the defendant into court. The defendants' appeal was therefore allowed.—*WHITLEY v. HILT, C.A.*, 717.



3. *Illegality—Commission—Payment of contracts obtained from Government—Public policy—Illegality not pleaded—Objection by court.*—The defendants agreed to pay 10 per cent. on money obtained for them by the plaintiff to be used as capital in their business of manufacturers of aircraft components. The plaintiff undertook to obtain the money through his alleged connection and influence with officials of the Government on the Air Board. An advance was, in fact, made by the Government, and defendants paid £100 because they "thought the plaintiff was working in their interests, and helping them to get the money they required." They refused to pay commission on further amounts advanced, alleging that these were obtained from the Government by their own direct negotiations. The judge found that the bargain was that the plaintiff should exert his influence with servants of the Crown in order to induce an advance of public money to the defendants, and that this was the true consideration for the commission note.

Held, that the contract was illegal and void as contrary to public policy.—*MONTEFIORE v. MENDAY MOTOR COMPONENTS Co., K.B.D., 585; 1918, 2 K. B. 241.*

4. *Inducing to break contract of employment—Evidence of inducement—Notice of contract—Subsistence of contract.*—In an action for inducing to break a contract of employment, it is not sufficient merely to prove that a legal contract still subsists of which the defendant had notice. It must be shown also that there is a subsisting contract which one party at least is still willing and able to perform. Where the contract is already rescinded, or where the employer is no longer able and willing to perform it, and in substance and in fact the contract is at an end, an action for inducing the breach of it cannot be maintained.—*LONG v. SMITHSON, K.B.D., 472.*

5. *Sale of steamship under construction—Requisition of ship by Admiralty—Contract impossible of performance—No profit on sale recoverable.*—The plaintiffs, having entered into a contract for the construction of a steamer, contracted with the defendants for the sale to them of the vessel when completed at a profit of £14,000, of which the defendants paid £10,000 on the signing of the agreement. When the vessel was only partially completed she was requisitioned by the Admiralty, who completed her according to entirely different plans.

Held, that the plaintiffs' contract had become impossible of performance, and that their action for the balance of their profit failed. But they might have a future equitable claim against the defendants to share in the compensation payable by the Admiralty in the event of the defendants being treated as the owners of the ship.—*DALE STEAMSHIP CO. v. NORTHERN STEAMSHIP CO., C.A., 328.*

6. *Shipbuilding—Contract to be "void" in a certain event—War—Non-delivery of ship—Whether void equivalent to voidable.*—The defendants, a French company, agreed by a contract of 6th March, 1913, to build a steamer for the plaintiffs. By clause 5 of the contract it was provided that "the said steamer, unless construction thereof shall be delayed by fire, strike or lock-out, or any unpreventable cause . . . shall be completed, ready for trial, by 30th October, 1914."

By clause 12 it was provided, "In case the builders become bankrupt or insolvent, or shall fail or be unable to deliver the steamer within eight months from the date agreed by this contract, thereupon this contract shall become void, and all money paid by the purchasers shall be repaid to them with interest at 5 per cent. . . . except only in the event of France becoming engaged in a European war, when the above limit of eight months shall be extended equal to the duration of the said war, but in no case to exceed eighteen months in all." In consequence of alterations in the design of the vessel the parties agreed that 30th January, 1915, should be substituted for 30th October, 1914, as the date by which the vessel was to be completed ready for trial.

The builders contended that, in the events which had happened, the clause became operative on 30th July, 1916, and the contract then became void. The purchasers claimed the ship, and contended that the contract became voidable only at their option.

Held, that the contract became void, and not merely voidable at the option of the purchaser. The failure to deliver was not due to any wrongful act or default on the part of the builders, who were not prevented, therefore, from alleging that the contract was void.

Decision of the Court of Appeal (1917, 2 K. B. 717, 117 L. T. Rep. 71) affirmed.—*NEW ZEALAND SHIPPING CO. v. SOCIETE DES ATELIERS, H.L., 519.*

7. *Stoppage of works under the Defence of the Realm Acts and Regulations—Contract rendered impossible of performance—Termination of contract.*—By a contract made shortly after the outbreak of the war the defendants undertook the construction of two large reservoirs for the plaintiffs. The contract required that the work should be completed within six years at a cost of £693,000,

and with the widest powers for the extension of time for completion in the event of delays arising, caused by weather, strikes or other difficulties or impediments, which, in the opinion of the appellants' engineer, might seem reasonable, "without thereby prejudicing or in any measure affecting the validity of the contract."

Work went on under the contract down to February, 1916, when the Minister of Munitions, acting under the Defence of the Realm Acts and Regulations made thereunder, gave notice to the parties to stop all further work, and to comply with his instructions as to the plant on the site of the works, under which a large portion of such plant was either sold to the Government or removed and used elsewhere.

The Court of Appeal (reversing Bray, J.) were of opinion that the execution of the contract having been indefinitely suspended by a lawful act of the State, had become illegal and impossible of performance, and judgment was therefore entered for the defendants. The plaintiffs appealed.

Held, that the case was governed by the decisions of this House in *Horlock v. Beal* (60 SOLICITORS' JOURNAL, 236; 1916, 1 A. C. 487) and *Tamlin Steamship Co. v. Anglo-Mexican Products Co.* (60 SOLICITORS' JOURNAL, 209; 1916, 2 A. C. 397), and therefore the decision of the Court of Appeal was right.

*Hadley v. Clark* (8 T. R. 259) not approved as laying down the principle to be followed.—*METROPOLITAN WATER BOARD v. DICK KERR & Co., H.L., 102; 1918, A. C. 119.*

8. *War—Force majeure clause—Impossibility.*—By various pre-war contracts the defendants undertook to supply the plaintiffs with paper at 1d. per pound. There was a clause in the contracts that all orders were subject to strike or lock-out clauses, and *force majeure*, fire or breakdown. On the outbreak of the war the defendants' sources of supply were restricted, and they declined to supply paper except at a price which ultimately rose to 2½d. per pound. The plaintiffs, who were newspaper proprietors, were compelled to have paper, and they paid the enhanced price demanded without prejudice to their right to sue for the return of the additional price so paid. While the re-arrangements for the supply at enhanced prices were continuing the Paper Commission, after 1st March, 1916, prohibited any manufacturer supplying more than two thirds of the amount of paper contracted to be supplied.

In an action for damages for breach of contract Atkin, J., held that the war had not made it impossible, from a commercial standpoint, for the defendants to perform the contract up to 1st March, 1916, and the plaintiffs were entitled to damages up to that date, but that after that date the regulations had made the performance impossible, because delivery of two-thirds was not performance of a contract to deliver the whole amount contracted for.

Held, that the buyers, having elected to pay the enhanced price, rather than run the risk of having to stop the printing of their newspapers, could not, after accepting delivery, claim to recover back the additional price charged. On this point the judgment of Atkin, J., was reversed, but the Court affirmed his decision so far as it had reference to the effect of the Paper Commission regulations.

Decision of Atkin, J. (33 T. L. R. 363), varied.—*HULTON & Co. v. CHADWICK, C.A., 329.*

See also Sale of Goods.

#### COPYHOLD :—

*Right of way—Prescription—Lord of manor owner of dominant freehold and Lord of servient copyhold—Enfranchisement—Non-reservation of right of way—Derogation from grant.*—The lord of the manor of Langdon was also the owner of a farm, either ancient freehold or part of the demesne lands. This farm was conveyed by him to the defendant in 1914. The plaintiff became the owner of certain enfranchised copyholds under a deed of enfranchisement of September, 1897. The owner of the farm claimed a right of way over the enfranchised copyholds of the plaintiff, acquired, as he claimed, by his father and brother and himself as yearly tenants by actual exercise for over seventy years. In an action in the county court by the plaintiff for trespass the judge found for the plaintiff, and the defendant appealed.

Held (*per* Lawrence, J.), that a right of way could be acquired by prescription over copyhold land; that the right had been acquired by the tenants of the farm for the owner as against the enfranchised copyholds; and that the right did not become appurtenant to the manor, but to the farm, and, therefore, the doctrine of derogation from a grant had no application.

Held (*per* Lush, J.), that the lord had acquired the right of way, and it had become appurtenant to the demesne of the manor; therefore, to reserve the right of way, without express words, in the deed of enfranchisement, would be a derogation from the grant. The county court judge's judgment accordingly stood.—*DERRY v. SANDERS, K.B.D., 549.*

## COPYRIGHT:—

1. *Author's assignment of copyright—Assignee to be "sole owner of the copyright"—Transfer to second assignee—Right of author to account from second assignee.*—The plaintiff, who was the author of a book, transferred the copyright to a company, which afterwards went into liquidation. The company's assets, including the copyright of the book, were sold to the defendant. Under the original deed of transfer the company was bound to furnish accounts of the sales of the book, and the author claimed an account from the defendant of all copies disposed of by him.

Held, that the plaintiff was not entitled to account, nor to a lien upon the copyright, as the original deed of transfer contained the express statement that the assignee was to be "the sole owner of the copyright."—*BARKER v. STICKNEY, K.B.D., 536.*

2. *Grant of rights of performance of opera—Subsequent grant of cinematograph rights with the instrumental music—Injunction—Copyright Act, 1911 (1 & 2 Geo. 5, c. 46), s. 5.*—The proprietors of an opera granted the defendant the performing rights. Afterwards they granted to the plaintiffs a licence to produce the opera in moving picture films, with the instrumental music. The defendant published notices that he should apply for injunctions against all persons exhibiting these films. The plaintiff thereupon claimed a declaration that they had the exclusive right of producing the films, with instrumental music, and an injunction restraining the defendant from announcing that he had the entire rights in the opera.

Held, that the defendant was assignee of the rights granted by his agreement, and was not a mere licensee, and was therefore entitled to protect those rights from such infringement as the performance of the instrumental music at the cinematograph exhibition would be.—*BRITISH ACTORS' FILM CO. v. GLOVER, K.B.D., 192; 1918, 1 K.B. 299.*

## COSTS:—

*Trial by jury—Goods sold—Defence as to part of claim only—Payment into court of balance—General costs of action—Costs of issue—R.S.C., ord. 65, rr. 1 and 2.*—An action was brought by the respondent against the appellants to recover £169 14s. 2d., the balance of a quantity of goats' hair sold and delivered. The defendants pleaded (1) that the hair sold was not up to sample, and was worth £24 19s. 3d. less in consequence; (2) that there was an over-charge on the bags of £2 11s.; and (3) payment into court of the balance, £142 3s. 11d., after deducting those two sums. The action was tried with a jury. The plaintiff admitted that the goods were not up to sample, but the defence as to the price of the bags broke down, and the jury found a verdict for the plaintiffs for £144 14s. 11d., including the sum paid into court. Bailhache, J., gave judgment for the plaintiff for £2 11s., and his costs. The question was then raised whether the defendants were entitled to the costs incurred in respect of the question whether the goods were up to sample, as to which they had succeeded or whether, as the plaintiff contended, those costs were included in the costs of the action.

Held, that the defendants were entitled to the costs of the issue on which they succeeded.

*Bush v. Rogers* (1915, 2 K.B. 707) and *Myers v. Defries* (1880, 5 Ex. Div. 180) discussed and applied.

Decision of the Court of Appeal reversed.—*REID & CO. v. JOSEPH, H.L., 715.*

See also *Solicitor*.

## COUNTY COURT:—

1. *Jurisdiction—Munitions worker—No notice of dismissal required—Implied statutory notice—Munitions of War (Amendment) Act, 1916 (5 & 6 Geo. 5, c. 99), s. 5, sub-section (3).*—A munitions worker was employed on piece-work, and was not entitled to a notice of dismissal. In consequence of a strike the employers closed the works for a week, and did not provide him with work during that time, and he therefore earned no wages. He sued in the county court for a week's wages, alleging that the Munitions of War (Amendment) Act, 1916, s. 5, sub-section (3), gave him a right to a week's notice.

Held, that this Act did not give him the right claimed, and that if it did, he must go to the statutory tribunal, as the county court would have no jurisdiction.—*HULME v. FERRANTI, K.B.D., 668.*

2. *Practice—Small tenements—Recovery of possession—Action against tenant—Substitution of wife as defendant—County Courts Act, 1888 (51 & 52 Vict. c. 43), s. 138—County Court Rules, ord. 14, r. 2.*—In an action to recover possession of a small tenement, the tenant was a soldier abroad, and was not served with the county court summons; and, though judgment was at first given against him, the county court judge afterwards set it aside and substituted the wife as defendant under ord. 14, r. 2, of the County Court Rules, and gave judgment against her. The wife obtained a writ of prohibi-

tion against proceeding on this judgment, and the landlords appealed.

Held, that the respondent was a person holding through or under the tenant, her husband, within section 138 of the County Courts Act, 1888, and (*Lawrence, J., dubitante*) that the substitution of the respondent as defendant was within the jurisdiction of the county court judge under ord. 14, r. 2, even though the tenant had not been served with the summons.—*ARTIZANS' DWELLINGS CO. v. CLIFFORD, K.B.D., 309.*

3. *Practice—Solicitor—Corporation—Company conducting proceedings without employing solicitor—County Courts Act, 1888 (51 & 52 Vict. c. 43), s. 72—County Court Rules, ord. 5, r. 12, ord. 54, r. 25.*—A joint stock company under the Companies (Consolidation) Act, 1888, is not obliged, in taking or defending proceedings in the county court, to employ a solicitor, but may employ any servant or agent for that purpose, subject to the leave of the judge being obtained to enable any such person, not being counsel or solicitor, to conduct proceedings in court. The old common law rule that a corporation aggregate could only appear by attorney appointed under the seal of the corporation does not extend to prevent joint stock companies from issuing process in the county court in the same way as ordinary individuals.

A company having obtained judgment by default in the county court without employing a solicitor,

Held, further, that, even if there had been an irregularity, the defendants were precluded from raising it after taking a fresh step in the proceedings.—*KINSELL & CO. v. HARDING & CO., C.A., 267; 1918, 1 K.B. 405.*

See also *Arbitration*.

## COVENANT:—

*"Dependent" and "independent"—Purchasers of marsh lands—Covenant to work a mill for drainage—Covenantees to keep their ditches properly cleansed—Breach.*—A purchaser at a public auction of one lot of marsh land covenanted with purchasers of other lots to work a mill, when requested, for draining their lots, they covenanted, *inter alia*, to keep their ditches properly cleansed and scoured. In an action against the mill owner by one of the purchasers, the defendant pleaded that the plaintiff had not properly cleansed and scoured his ditches. The findings of the jury at the trial were construed by the Judge as meaning that the plaintiff had not so neglected his ditches as to so obstruct the defendant in performing his covenant.

Held, that where covenants are so expressed as to be dependent, yet the Court may consider the real intention of the parties and the circumstances, and hold in fact the covenants to be independent; but that, even though the covenants in question were to be considered as dependent, as the plaintiff had not so neglected his ditches as to prevent the defendant from reasonably performing his obligations, he was entitled to judgment and damages.—*KIDNER v. STIMPSON, K.B.D., 569.*

See also *Landlord and Tenant; Lease; Settlement*.

## CRIMINAL LAW:—

1. *Evidence—Conviction as habitual criminal—Previous conviction as habitual criminal—Proof as to "leading persistently a dishonest or criminal life"—Prevention of Crime Act, 1908 (8 Ed. 7, c. 59), s. 10.*—Where a person is charged under section 10 of the Prevention of Crime Act, 1908, with being a habitual criminal, having been previously convicted of being a habitual criminal, it is sufficient to prove the previous conviction as a habitual criminal, without also proving that he has been leading persistently a dishonest or criminal life.—*REX v. DAVIS, C.C.A., 55.*

2. *Evidence—Writing made by prisoner at request of police before arrest but while detained pending inquiries—No caution given—Admissibility.*—A prisoner while detained by the police, who were making inquiries with regard to a murder, made a statement, and was then asked to write certain words, which he did. No caution was given either before the statement was made or before the prisoner was asked to make the writing. The identity of the murdered person was not established until two days later, and the police then decided to charge the prisoner with the crime. At his trial the writing was put in evidence.

Held, that the writing had been made voluntarily and had been properly admitted in evidence.—*REX v. VOISIN, C.C.A., 423; 1918, 1 K.B. 531.*

3. *Gross indecency with male person—Identity of accused—Abnormal propensities—Evidence of—Powder puffs found on accused on arrest—Photographs of naked boys found in his room—Admissibility—Criminal Appeal Act, 1907 (7 Ed. 7, c. 23), s. 1. (6).*—The appellant was convicted of gross indecency with two boys. The evidence was that after committing the offence, he arranged to meet them three days later. They went to the



appointed place, where they saw the appellant, who told them to go away, and gave them money. He was then arrested. At the trial the only defence raised was a question of identity, the appellant alleging that he had never seen the boys until the day of his arrest, and he called evidence to prove an *alibi* on the day of the offence. On the issue the judge admitted evidence that two powder puffs were found on the appellant at the time of his arrest, and that photographs of naked boys were found in a locked drawer in one of the rooms where he lived.

Held, that the evidence objected to was relevant to the issue whether it was the accused who had committed the act, and therefore the evidence had rightly been admitted.

Decision of the Court of Criminal Appeal (reported *sub nom. Rex v. Thompson*, 61 SOLICITORS' JOURNAL, 647; 12 Cr. App. Cas. 261) affirmed.—*THOMPSON v. DIRECTOR OF PUBLIC PROSECUTIONS*, *H.L.*, 266; 1918, A. C. 221.

4. *Metropolitan magistrates—Jurisdiction—Power to remand on bail for more than eight days—Metropolitan Police Courts Act, 1839 (2 & 3 Vict. c. 71), s. 36—Indictable Offences Act, 1848 (11 & 12 Vict. c. 42), ss. 21, 29—Criminal Justice Administration Act, 1914 (4 & 5 Geo. 5, c. 58), s. 20.*—Under section 36 of the Metropolitan Police Courts Act, 1839, metropolitan police magistrates have power to adjourn the hearing of a charge of an indictable offence, without any limitation of such adjournment, in their reasonable discretion, and their powers have not been limited in any respect by the Indictable Offences Act, 1848, or the Summary Jurisdiction Acts, or by section 20 of the Criminal Justice Amendment Act, 1914, or any other legislation since the Act of 1839.—*REX v. GARRETT*, *K.B.D.*, 104; 1918, 1 K. B. 6.

5. *Mis-trial—Juryman impersonated—Impersonator not qualified to sit as a juryman—Venire de novo.*—On the trial of the appellant for rape T., who had been summoned to serve on the jury, did not answer to his name, but it was answered to by C., who sat on the jury throughout the trial. C. was not on the panel and was not qualified to sit on the jury.

Held, that there had been a mis-trial and that therefore a *venire de novo* must be granted.—*REX v. WAKEFIELD*, *C.C.A.*, 309; 1918, 1 K. B. 216.

6. *Procuring a woman or girl to become a common prostitute—Exercising control over movements of a prostitute—Causing or encouraging prostitution of girl under sixteen—Meaning of prostitute and prostitution—Whether natural sexual connection necessary—Criminal Law Amendment Act, 1885 (48 & 49 Vict. c. 69), s. 2 (2)—Vagrancy Act, 1898 (61 & 62 Vict. c. 39), s. 1 (3)—Criminal Law Amendment Act, 1912 (2 & 3 Geo. 5, c. 29), s. 7—Children Act, 1908 (8 Ed. 7, c. 67), s. 17.*—For the purposes of the statutes which make it a criminal offence to procure or encourage a woman or girl to become a prostitute, or to procure or encourage the prostitution of a girl under sixteen, it is not necessary that the woman or girl should have ever had, or offered her body for the purpose of, natural sexual connection. The offence is proved if the prisoner procured or encouraged the woman or girl to offer her body, for gain, for purposes of general lewdness.—*REX v. DE MUNCK*, *C.C.A.*, 405; 1918, 1 K. B. 635.

## DAMAGES:—

*Restrictive covenant—Difficulty of assessment.*—The difficulty of assessing damages is no reason for the Court not granting them.—*BOVET v. WALTER, Younger, J.*, 104.

## DEFENCE OF THE REALM:—

1. *Bread Order—Weight of loaves exposed for sale—Construction of Order—Defence of the Realm Regulations 2F—Bread Order, 1917, Art. 7.*—A baker exposed for sale a number of loaves, each of which was under 2 lbs. by a deficiency of from  $2\frac{1}{2}$  oz. to  $\frac{1}{2}$  oz. He supplied the deficiency on sale by cut pieces of bread.

Held, that there was a contravention of Art. 7 of the Bread Order, 1917, as the loaf, which is sold as a one or two pounds loaf, must not be less than one or two pounds in weight.—*HILDRETH v. LOUIS*, *K.B.D.*, 212.

2. *Compulsory acquisition of land for munition factory—Buildings erected before Act—Private park—Mansion house—Stream of water through park—National importance—Defence of Realm (Acquisition of Land) Act, 1916 (6 & 7 Geo. 5, c. 63), ss. 3, 13.*—At the time of the passing of the Defence of the Realm (Acquisition of Land) Act, 1916, the Ministry of Munitions had taken possession of part of a private park, and erected works thereon in extension of works on adjoining land.

Held, that under section 13 of the Act there was power compulsorily to acquire the park, or any part thereof, including the mansion house, and a stream of water through the park for the

supply of the works, it having been found by the Court a matter of national importance that the property should be so acquired.—*MINISTER OF MUNITIONS v. CHAMBERLAYNE, C.A.*, 738.

## DENTIST:—

*Unregistered person—Taking or using the name or title of dentist—Dentists Act, 1878, s. 3.*—A person described as "an artificial teeth specialist," but who was neither a registered dentist nor a legally qualified medical practitioner, stated in a county court, while in the witness box, that he was a dentist.

Held, that there was evidence upon which the justices could find that he had taken or used the title of dentist, and that the offence may be committed although not done with a view to obtaining practice or by way of advertisement.—*BLAIN v. KING, K.B.D.*, 520.

## DISTRESS:—

*Tools of trade—Value of goods left—Onus of proof—Law of Distress Amendment Act, 1888 (51 & 52 Vict. c. 21), s. 4—County Courts Act, 1888 (51 & 52 Vict. c. 43), s. 147.*—Where a plaintiff is claiming for the illegal distraint of a tool of his trade, under section 4 of the Law of Distress Amendment Act, 1888, the onus is upon him of proving that the section has been contravened by the distrainer not leaving upon the premises wearing apparel, bedding and tools of trade to the value of £5; and not upon the defendant of shewing that he has left such value.—*Gousky v. DURRELL, C.A.*, 622; 1918, 1 K. B. 104.

See also *Landlord and Tenant*.

## DIVORCE:—

1. *Desertion by husband—Petition by wife—No appearance by husband—Subsequent cross-petition by husband—Wife's adultery proved—Refusal of Judge to decree dissolution—Exercise of judicial discretion—Matrimonial Causes Act, 1857 (20 & 21 Vict. c. 85), s. 31—Matrimonial Causes Act, 1884 (47 & 48 Vict. c. 68), s. 5.*—The discretion which the Court has, under section 31 of the Matrimonial Causes Act, 1857, to refuse to make a decree for dissolution of marriage in certain circumstances, owing to the conduct of the party seeking such decree, should be exercised freely, without laying down any rules or limits not to be found in the statute; in particular, in exercising such discretion the Court is not bound to regard only facts and circumstances in connection with the matrimonial offence of which the party seeking dissolution has been guilty.

The words "without reasonable cause" in the Matrimonial Causes Act, 1884, s. 5, are equivalent to the words "without reasonable excuse" in the Matrimonial Causes Act, 1857, s. 31, and no distinction can be drawn between them.

*Brooke v. Brooke* (1912, P. 136) approved.

Decision of Horridge, J., affirmed.—*WICKINS v. WICKINS, C.A.*, 583.

2. *Domicile—Residence in foreign State—Member of extra-territorial community.*—In a divorce suit the respondent was resident in Egypt, his domicile of origin being English.

Held, that residence in a foreign State as a privileged member of an extra-territorial community is ineffectual to create a new domicile of choice.—*CASDAGLI v. CASDAGLI, C.A.*, 292; 1918, P. 89.

3. *Evidence of adultery—Birth of child—Date of birth—Entry in register—Registration of Births and Deaths Acts, 1836 (6 & 7 Wm. 4, c. 86), s. 38; and 1874 (37 & 38 Vict. c. 88), s. 34.*—An entry in a register of births, deaths and marriages, and a certified copy of it, are by statute *prima facie*, but not conclusive evidence of all such matters as are required by statute to be entered, and not merely of the fact of a birth. Where a husband has proved non-access to his wife within a given period, an entry, or the certified copy of an entry, of a birth of a child within that period is *prima facie* evidence of the date as well as the fact of the birth, and therefore, inferentially, of the misconduct of the wife.

Such evidence may be acted upon without corroboration.

Such an entry signed by the wife is also admissible against her as a confession of adultery.

*Re Wintle* (L. R. 9 Eq. 373) dissented from.

*Re Goodrich, Payne v. Bennett* (1904, P. 138), followed.—*BRIERLEY v. BRIERLEY, P.D.*, 704.

4. *Husband's petition—Husband given leave to sue as a poor person—Order for costs up to letting down and for security for costs of trial—Usual order for wife's costs allowed up to order allowing petitioner to sue as a poor person.*—Where a petitioner in a husband's suit for divorce in the course of the suit obtains leave to continue his suit as a poor person, the Court will allow the "usual order" for the wife's costs up to the date when the petitioner obtained such leave.—*WEST v. WEST, P.D.*, 213.

5. *Husband's petition—Plea of conduct conducing in wife's answer—Liability to cross-examination as to adultery—Evidence*

*Further Amendment Act, 1869 (32 & 33 Vict. c. 68), s. 3.*—Where in a divorce suit a respondent made a cross charge of conduct conducing to her adultery against her husband, the Court refused to allow her to be cross-examined as to her adultery, as she had not denied it in examination-in-chief.—*CRASTON v. CRASTON, P.D.*, 213.

6. *Husband's suit—Child born 307 days after last intercourse—Alleged adultery—Petition dismissed.*—The husband left the wife on 20th Dec., 1915, and had not had intercourse with her since that date. She gave birth to a child on 22nd Oct., 1916, 307 days afterwards. There was no evidence of the wife's adultery.

Held, on the particular facts of the case, that the wife had not committed adultery, and the petition was dismissed.—*BOWDEN v. BOWDEN, P.D.*, 105.

7. *Husband's suit—Decree absolute—Further proceedings against another co-respondent for damages—Wife's costs.*—Where a petitioner had already obtained a decree absolute on the ground of the respondent's adultery with one co-respondent.

Held, that he was entitled to proceed further against another co-respondent for damages alone, and that the wife should have no order for costs after decree absolute.—*STOCKER v. STOCKER, P.D.*, 232.

8. *Husband's suit—Knowledge of co-respondent as to respondent being a married woman—Costs—Matrimonial Causes Act, 1857 (20 & 21 Vict. c. 85), s. 34.*—Where a co-respondent has committed adultery with a respondent without knowing that she was a married woman, and subsequently knows that she is a married woman and continues to commit adultery with her, the Court is not precluded from giving costs against the co-respondent because he did not know the respondent was a married woman at the commencement of the adultery, but will take all the facts into its consideration, and will give costs against him if it thinks fit.—*NORRIS v. NORRIS, P.D.*, 585; 1918, P. 129.

9. *Husband's suit—Marriage in Uruguay—Proof of marriage by member of the Bar of Central American States.*—In a case where no Uruguayan lawyer was available to give evidence as to the validity of a marriage celebrated in Uruguay, the Court admitted the evidence of a member of the Bar of neighbouring Central American States who was entitled to be called to the Bar of Uruguay if he chose.—*BARFORD v. BARFORD, P.D.*, 439; 1918, P. 140.

10. *Husband's suit—Non-access—Evidence by affidavit.*—In a husband's suit for divorce on the ground of his wife's adultery where there has been birth of a child and evidence is allowed to be given by affidavit, this may include evidence of non-access.—*BOULTON v. BOULTON, P.D.*, 606.

11. *Husband's suit—Practice—Severance of issues—Equal rights of petitioner and respondents to apply for separate trial—No specific divorce rules—Effect of R.S.C.—R.S.C., ord. 36, r. 7.*—There is an inherent jurisdiction in the Divorce Court to order separate trial of different issues in a matrimonial suit in order to ensure that justice may be done between all parties.

When there is no precise rule of practice in the Divorce Rules, the Court will be guided by the Rules of the Supreme Court. This jurisdiction should be exercised on the principle that, so far as possible, no disadvantage should be imposed on any party to the proceedings. All the parties to a suit have an equal right to apply for separate trials of an issue or issues.—*MYERS v. MYERS, P.D.*, 653.

12. *Judicial separation—Jurisdiction of court—Foreign domicile of petitioner—Residence in England—Ecclesiastical law—Divorce a mensa et thoro—Matrimonial Causes Act, 1857 (20 & 21 Vict. c. 85), ss. 6, 7, 22.*—The jurisdiction of the High Court to entertain a suit for judicial separation or other matrimonial relief, except dissolution of marriage, is the same as, and depends on the same principles as those exercised by the Ecclesiastical Courts in granting divorces a mensa et thoro before the Matrimonial Causes Act, 1857. Therefore it will entertain such a suit in all cases where the parties are for the time being resident in England, although they may in fact be domiciled abroad.

*Armytage v. Armytage* (1898, P. 178) approved.

*Niboyet v. Niboyet* (4 P. D. 1) applied.—*ANGHINELLI v. ANGHINELLI, C.A.*, 548.

13. *Order for discovery by registrar—Adultery the sole issue—Order discharged on appeal.*—Where, in a suit for dissolution of marriage, the only issue is that of adultery, the Court will not make an order for discovery.—*THOMAS v. THOMAS, P.D.*, 637.

14. *Restitution of conjugal rights—Decree disobeyed—Order for periodical payments to wife—Adultery of wife—Order suspended—Judicial discretion—Matrimonial Causes Act, 1884, ss. 2, 4.*—Where a wife has obtained a decree for restitution of conjugal rights and on the husband's failure to comply therewith has obtained an order against him for periodical payments to her, the Court on proof of her subsequent adultery has a discretion temporarily to suspend

such payments without prejudice to a future application for the renewal of the payments.—*WICKENS v. WICKENS, C.A.*, 702.

15. *Restitution of conjugal rights—Refusal of marital intercourse—Conduct justifying non-cohabitation—Discretion of Court.*—Where in a wife's suit for restitution of conjugal rights the Court is satisfied that the husband's plea is made out, that he was justified in withdrawing from cohabitation with her owing to her refusal of marital intercourse, and her indecent behaviour with other men, falling short of adultery, it will dismiss the petition.—*DAVIS v. DAVIS, P.D.*, 384; 1918, P. 85.

16. *Wife's suit—Deed of separation—Covenant by husband to pay allowance—Repudiation of deed by husband—Desertion—Suit undefended.*—In an undefended suit for divorce by a wife on the grounds of her husband's desertion and adultery, where there was a deed providing for the spouses to live apart and for the payment by the husband of an allowance, and the husband repudiated the deed by not complying with the covenant for the payment of the allowance, and the wife had not sued under the deed.

Held, that the husband had deserted the wife.—*LOOKER v. LOOKER, P.D.*, 405; 1918, P. 132.

See also Husband and Wife.

#### DONATIO MORTIS CAUSA:—

*Registered Exchequer bonds—Post Office issue—Handing over of deposit box.*—The handing over by the testator of an Exchequer bond deposit book by way of *donatio mortis causa*, where in fact no Exchequer bond existed, but the deposit book was the only document of title in existence, was held to be a good *donatio mortis causa* of the bond.

The cases of *Re Dillon* (1890, 44 Ch. D. 76) and *Duffield v. Elwes* (1827, 1 Bligh N. S. 497), the donor's legal personal representative being a constructive trustee for the donee to give full effect to the gift, applied.—*RE LEE, Ashbury, J.*, 682.

#### EDUCATION:—

1. *Dismissal of headmaster by managers—Grounds connected with religious instruction—Irregularity in appointment of certain managers—Quorum duly qualified—Education Act, 1902 (2 Ed. 7, c. 42), s. 7 (1) (c), Sch. d. I (b) (1) & (3).*—The headmaster of a non-provided school having written a letter to the diocesan inspector, complaining of a report which the latter had made upon an inspection by him of the school in religious knowledge, and having in consequence been given three months' notice to terminate his agreement by the managers.

Held, that the dismissal was on grounds connected with the giving of religious instruction in the school, and therefore that the consent of the local education authority was not required.

Held, further, that the fact that two of the five managers present at the meeting which resolved to dismiss the master were not duly qualified under the Act did not invalidate the dismissal.—*HARRIES v. CRAWFORD, C.A.*, 621.

2. *Elementary school—Poor Law children—Special payment demanded by local education authority—Decision of Board of Education—Elementary Education Act, 1900 (63 & 64 Vict. c. 53), s. 2.*—Children belonging to a union were boarded out in homes under the charge of a superintendent, each home being looked after by a matron. The local education authority decided that the union was in the position of a parent who could afford to contribute to the upkeep of the school, and they demanded to receive from the guardians some yearly payment in respect of each child. The Board of Education supported the view taken by the county council. The guardians thereupon brought an action, asking for a declaration that the children should be educated at the school free of any liability on them to contribute anything towards the school, and to have it decided by the Court whether the right of the defendants to refuse admission to their public elementary schools was a question which could be finally decided by the Board of Education.

Held, that the plaintiffs were the parents of the Poor Law children within the meaning of "parent" in the Elementary Education Act, 1870. Therefore they were entitled to require that such children should be educated, unless a reasonable ground was shewn why the child should be refused admission. Although it was provided by Art. 53 (a) of the Code that, when admission was refused, the question whether it was refused reasonably was one for the Board—and their decision was final—the defendants here had raised no objection to the children attending, but had refused admission on the ground that the parent could afford to pay. The jurisdiction of the Court to deal with the question raised by the action was not ousted and the plaintiffs were entitled to the declaration as prayed.

Decision of *Neville, J.* (reported 86 L. J. Ch. 478, 15 L. G. R. 395), reversed.—*GATESHEAD v. DURHAM COUNTY COUNCIL, C.A.*, 86; 1918, 1 Ch. 146.



# ELECTRIC LIGHTING:—

*Differentiation in charges*—"Similar circumstances"—*Undue preference*—*Electric Lighting Act, 1882* (45 & 46 Vict. c. 56), ss. 19 and 20.—When a municipal corporation supplying electrical energy for power and light to the district had one scale of charges for light and a cheaper scale for power, but permitted the persons employing power to use 20 per cent. of their power energy for purposes of lighting their premises, provided the whole supply for power and light was taken from the same service and meter.

Held, that this was not a differentiation as between two classes of consumers contrary to the provisions of sections 19 and 20 of the *Electric Lighting Act, 1882*.

*Attorney-General v. Long Eaton Urban District Council* (1914, 2 Ch. 251), distinguished and explained.—ATTORNEY-GENERAL v. HACKNEY CORPORATION, *Astbury, J.*, 25; 1918, 1 Ch. 372.

# EMERGENCY LEGISLATION:—

1. *Bill drawn by enemy firm payable in Germany*—*German emergency legislation*—*Postponement of the date*—*Forfeiture of interest*—*Trading with the Enemy Amendment Act, 1916* (5 & 6 Geo. 5, c. 105), s. 1, sub-sections 1-4.—The law of the country where a bill is payable must, when the holder relies on his contract with the maker, fix, as between them for all purposes, the due date of the bill.

Accordingly, when, under the German emergency legislation, the maturity of bills was postponed "until further notice," and interest between the original due date and the end of the postponement of payment was forfeited, the result was that the due date of bills payable in Germany after the outbreak of the war had not yet arrived.

*Rouquette v. Overmann* (1875, L. R. 10 Q. B. 525) applied.

Although the penal forfeiture of interest against the British might be not conformable to the law of nations (see *Re Fried Krupp Actien Gesellschaft*, 1917, 2 Ch. 188), yet German legislation provided for the postponement of the payment of the bills of all creditors, whether British or not, outside Germany, and accordingly that case could not be applied so as to put the British in a better position than neutrals.—*RE FRANCKE AND RASCH, Younger, J.*, 438; 1918, 1 Ch. 470.

2. *Execution to enforce order for payment for costs*—*Leave of court necessary*—*Courts (Emergency Powers) Act, 1914* (4 & 5 Geo. 5, c. 78), s. 1 (1) (a).—The provisions of the Courts (Emergency Powers) Act, 1914, include any sum of money an order for the payment or recovery of which is sought to be enforced by execution or otherwise, except such sums as are expressly or impliedly excluded by the Act, or by subsequent Act or Order in Council, and therefore the leave of the Court is necessary to enforce an order for the payment of costs made in an action, other than an action of tort.—*DOBB v. DOBB, C.A.*, 422; 1918, 1 Ch. 443.

3. *Jurisdiction of county court*—*Assignee of lease*—*Application to determine lease*—*Relief from arrears of rent and past breaches of covenant*—*Relief of lessee from liability on original lease*—*Courts (Emergency Powers) (Amendment) Act, 1916* (6 & 7 Geo. 5, c. 13), s. 2.—An applicant for relief under section 2 of the Courts (Emergency Powers) (Amendment) Act, 1916, was the assignee of a lease; and the lessor and lessee were duly brought before the court by notice. The county court judge made an order (1) authorizing the assignee to give notice determining the tenancy from a date prior to the order, and relieving him from liability for arrears of rent and breaches of covenant before the determination of the lease; (2) relieving the original lessee from liability under the lease.

Held, that the county court judge had jurisdiction to make the order under section 2 of the Courts (Emergency Powers) (Amendment) Act, 1916.

*Tozer v. Viola* (62 SOLICITORS' JOURNAL, 86; 1918, 1 Ch. 75) discussed and distinguished.—*REVILL v. BETHELL, K.B.D.*, 438; 1918, 1 K. B. 638.

4. *Landlord and tenant*—*Increase of rent*—*Pre-war assessment*—*Subsequent higher assessment*—*Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915* (5 & 6 Geo. 5, c. 97), s. 1, sub-section (1), par. 4.—A landlord is entitled, under section 1, sub-section (1), para. 4, of the Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915, to charge an increase of rent equivalent to an increase of rates due to a higher assessment of the property made subsequent to the passing of the Act.—*STEEL v. MAHONEY, K.B.D.*, 488.

5. *Mortgage*—*Leave of court to realize the security*—*Discretion of court*—*Terms and conditions*—*Courts (Emergency Powers) Act, 1914* (4 & 5 Geo. 5, c. 78), ss. 1, 2.—On an application under the Courts (Emergency Powers) Act, 1914, by a mortgagee for leave to realize his security, the Court suspended the operation of his

remedies for one year if the war so long continued, on the mortgagee undertaking to increase the interest to 5 per cent. and to repay annually a part of the principal.

The considerations applicable to such cases stated and classified.—*RE JOHSON'S APPLICATION, Eve, J.*, 248.

6. *Mortgage*—*Leave to exercise power of sale*—*Inability to pay attributable to war*—*Parties*—*Second incumbrancers*—*Courts (Emergency Powers) Act, 1914*, s. 1.—Upon an application by a mortgagee under the Courts (Emergency Powers) Act, 1914, for leave to exercise his power of sale, second incumbrancers are not necessary or proper parties, and the onus is on the mortgagee to prove that his inability to pay is directly or indirectly attributable to the war.—*RE HILL'S APPLICATION, Eve, J.*, 765.

7. *Practice*—*Summons*—*Costs*—*Assessment of gross amount for costs*—*Courts (Emergency Powers) Act, 1914* (4 & 5 Geo. 5, c. 78), s. 1—*R.S.C.*, ord. 65, r. 27, sub-rule 38a.—Where mortgagees took out an application under the Courts (Emergency Powers) Acts to enforce their security because the mortgagee refused to continue to pay an agreed increase of interest, and the summons was repeatedly adjourned for the respondent to file evidence, and on the adjournment to the Judge the respondent ultimately agreed to be taxed and added to their security; and on the taxation the learned taxing master taxed the bill down and allowed a small lump sum, exercising his power under ord. 65, r. 27, sub-rule 38a, stating, in his answers, that he had applied the case of *Re Commonwealth Oil Corporation* (1917, 1 Ch. 404), and had had regard to the practice as to allowing a small fixed sum in Courts (Emergency Powers) cases; and he appeared to take the view that the value of the property dealt with was the difference between the rates of interest.

Held, on the summons to review, that the master must have regard to all the circumstances, and if the costs had been caused or increased by the conduct of the defendant, that must be taken into consideration before deciding that the costs were excessive; moreover, the application was for leave to realize a security of £900, and the learned taxing master had proceeded on a wrong basis, and was in error in taking the view that the value of the property was the difference between the rates of interest. *Re Commonwealth Oil Corporation (Limited)* (1917, 1 Ch. 404) merely decides that the words "or that from any other cause" is not limited to cases *ejusdem generis* with what has gone before, i.e., misconduct or negligence; but the last words of the rule must, nevertheless, not be applied disjunctively.—*RE WYATT, Peterson, J.*, 622.

8. *Practice*—*Taxed costs*—*Leave to issue execution*—"Sums of money" due under contract—*Courts (Emergency Powers) Act, 1914* (4 & 5 Geo. 5, c. 25), s. 1 (1) (a)—*Courts (Emergency Powers) Act, 1917* (7 & 8 Geo. 5, c. 25), s. 6.—Where an order is made for the payment of the taxed costs of a party simply, and not as annexed to any sum claimed under a contract, it is not necessary to obtain leave of the Court to issue execution under the Courts (Emergency Powers) Act, 1914.

*Torres v. Torres* (W. N., 4th August, 1917, p. 263) approved and followed.—*EETEN v. POLLARD, K.B.D.*, 231.

9. *State control of liquor traffic*—*Compulsory acquisition of land*—*Compensation*—*Promoters*—*Defence of the Realm (Amendment) Act, 1915* (5 & 6 Geo. 5, c. 43), s. 1 (2) (b)—*Lands Clauses Consolidation Act, 1845* (8 & 9 Vict. c. 18), s. 1.—The Central Control Board (Liquor Traffic) having, under powers conferred on the Board by the Defence of the Realm Act, given notice to the owners and occupier of licensed premises in a controlled area that they would acquire the premises compulsorily, and having subsequently taken possession of them, and used them for the sale of liquor and refreshments generally.

Held, affirming *Younger, J.*, that the Board were legally liable to pay compensation to the owners for the premises so acquired.

Held, further (*Banks, L.J.*, dissenting), that the use by the Board of the premises was an "authorized undertaking" within the meaning of the Lands Clauses (Consolidation) Act, 1845, and that the owners were accordingly entitled to have the compensation assessed and payment made under that Act.

*Per Banks, L.J.*—The compensation payable should be assessed by the Judge in the action.—*CANNON BREWERY v. CENTRAL CONTROL BOARD, C.A.*, 566; 1918, 2 Ch. 101.

See also *Bankruptcy*.

# EXECUTOR:—

1. *Retainer*—*Legacy of stocks to a debtor to the testatrix*—The right of retainer only arises where there is a right to receive the debt, and the legacy or fund is payable by the person entitled to receive the debt.

*Cherry v. Boulton* (1839, 4 My. & Cr. 442).

An executor is not entitled to exercise a right of retainer over specifically devised stocks against a debt due to the testator by the legatee of those stocks.

*Re Taylor* (1894, Ch. 671) applied.—*RE SAVAGE, Sargant, J.*, 620; 1918, 2 Ch. 146.

2. *Soldier—Appointment of receiver—Courts (Emergency Powers) Acts, 1914–1917.*—A soldier executor who has appointed a solicitor delegate to act for him in pursuance of the Execution of Trusts (War Facilities) Acts, 1914–15, cannot claim protection under the Courts (Emergency Powers) Acts, 1916–1917, against the appointment of a receiver under section 24 of the Conveyancing Act, 1881, by the mortgagees of his testator's property; and accordingly such soldier executor failed on a motion to restrain such receiver from acting, pending an action for a declaration that his appointment was invalid.—*RE MORRIS, Astbury, J.*, 54.

See also Probate.

#### FALSE IMPRISONMENT :—

*Driver of taxi-cab arrested for drunkenness—Malicious prosecution—Honest belief that an offence was being committed at time of arrest—Licensing Act, 1872 (35 & 36 Vict. c. 94), s. 12.*—Section 12 of the Licensing Act, 1872, provides that "every person who is drunk while in charge on any highway or other public place of any carriage . . . or steam engine . . . may be apprehended, and shall be liable to a penalty not exceeding 40s., or in the discretion of the court to imprisonment."

A light locomotive—e.g., a motor-car or taxi-cab—is to be deemed a "carriage" within the meaning of the Locomotives on Highways Act, 1896, s. 1 (1) (b).

Held, that the power to apprehend without a warrant conferred by section 12 of the Act of 1872 extends to authorize the apprehension of persons honestly and upon reasonable grounds believed to be committing an offence at the time when they were arrested.—*TREBECK v. CROUDACE, C.A.*, 85; 1918, 1 K. B. 158.

#### HABEAS CORPUS :—

*Alien friend—Alien enemy—Aliens Restriction Act, 1914 (4 & 5 Geo. 5, c. 12), s. 1, sub-section 6—The Aliens Restriction Act, 1914, confers powers in addition to and not in derogation of the powers of the Crown. The prerogative of the Crown to intern prisoners of war is still in existence. An alien enemy who has been treated as an alien friend reverts to his original status when the period of exception from internment or other indulgence ceases or is cancelled.*

*Ex parte Weber* (1916, A. C. 421) applied.—*REX v. KNOCK-ALOE CAMP, K.B.D.*, 35.

#### HACKNEY CARRIAGE :—

*Taxi-cab—Negligence of driver—Register of licences—Person registered as proprietor—Metropolitan Police Carriage Act, 1869 (32 & 33 Vict. c. 115), s. 6, 11—Hackney and Stage Carriage Order, 1907, r. 9.*—A taxi-cab, while in charge of a driver, injured the plaintiff. He brought an action to recover damages against the defendant, who was not the driver of the taxi-cab, but whose name and address were entered in the Register of Licences of Hackney Carriages at Scotland Yard, in respect of the taxi-cab, under the heading "proprietor," and therein he was described as the managing director of the Holland Park Taxi Supply Co. (Limited). The defendant tendered evidence at the trial shewing that he was not the proprietor or part proprietor of the taxi-cab. He contended that, as a matter of law, the fact that his name appeared on the register was only *prima facie* evidence, which could be rebutted by evidence that he was not the proprietor, and that in the circumstances he was entitled to judgment. Salter, J., directed the jury to return such damages as they thought fit against the defendant, as he ruled that the certified extract of the Public Register of Hackney Carriages was conclusive evidence that the defendant was the proprietor of the cab, and as such was liable for the negligence of the driver. The jury awarded the plaintiff £175, and the defendant appealed.

Held, that the extract from the register was not conclusive as to the ownership of the taxi-cab, and that the learned Judge ought not to have excluded evidence on that point from the consideration of the jury. Accordingly a new trial was ordered.—*KEMP v. ELISHA, C.A.*, 174; 1918, 1 K. B. 228.

See also Local Government.

#### HIGHWAY :—

*Extraordinary traffic—Repair—Recovery of expense—Highways and Locomotives Amendment Act, 1878 (41 & 42 Vict. c. 77), s. 23—Locomotives Act, 1898 (61 & 62 Vict. c. 29), s. 12.*—The test whether traffic is extraordinary is whether, at the time of its

introduction, there was any existing traffic imposing a burden on the road comparable with it in quantity. If there was, then the new traffic, although it increased the burden on the road, was only increased ordinary traffic. If there was not, then the new traffic was extraordinary.—*WESTON - SUPER - MARE URBAN COUNCIL v. BUTT & Co., Eve, J.*, 739.

#### HUSBAND AND WIFE :—

1. *Wearing apparel of wife—Provision by loan—Property of husband.*—Held, that there could be a valid agreement between husband and wife that the necessary wearing apparel to be provided by the husband should be by way of loan to the wife, and not by way of gift to her as her own property.

Decision of Bailhache, J. (reported 61 SOLICITORS' JOURNAL, 606), affirmed.—*RONDEAU v. MARKS, C.A.*, 24; 1917, 2 K. B. 636.

2. *Wife's suit for restitution of conjugal rights—Agreement for non-cohabitation before marriage—Confirmation of agreement after marriage—Illegality.*—Where the parties to a marriage had made an agreement in writing before marriage to live apart, and immediately after marriage made a further agreement in writing indorsed upon the previous one, purporting to confirm the first agreement.

Held, that the two agreements were one and the same, and therefore void as against public policy in providing for a future separation; and, further, that even if the second agreement were treated as a separate one confirming the first agreement, it could not ratify an act void in its inception, and therefore the husband could not set it up as a defence to his wife's suit for restitution of conjugal rights.—*BRODIE v. BRODIE, P.D.*, 71.

3. *Wife's suit for restitution of conjugal rights—Deed of separation—Mutual covenants not to sue for restitution—Suit undefended and deed not set up by husband.*—The wife brought a suit for restitution of conjugal rights. She and her husband were separated under a deed in which there were mutual covenants not to sue for restitution. The husband did not defend the suit and set up the deed.

Held, that the wife was entitled to her decree.

*Phillips v. Phillips* (1917, P. 90) and *Tress v. Tress* (12 P. D. 128) followed.

*Kennedy v. Kennedy* (1907, P. 49) not followed.—*GILL v. GILL, P.D.*, 37.

4. *Wife's suit for restitution of conjugal rights—Offer of home by husband—Insufficient offer.*—The wife wrote asking the husband to make a home for her. The husband replied offering a home, but refusing marital intercourse and insisting on non-molestation on either side.

Held, that though the Court cannot compel marital intercourse the offer in this particular case was an insufficient offer.—*WILY v. WILY, P.D.*, 55; 1918, P. 1.

#### INDUSTRIAL SCHOOL :—

*Commitment of child—Residence—Evidence—The Children Act, 1908 (8 Ed. 7), s. 74, sub-section (3) (7).*—A child of thirteen ran away, on several occasions, from his father's residence in the district of the Yorkshire West Riding Council, to his aunt's house, in the district of the Colne Corporation. While living with his aunt for several days on the last occasion he stole certain articles, and he was committed by the justices to an industrial school, his residence being stated in the order as Colne. The Colne Corporation applied to the justices that the liability for the maintenance of the child might be transferred to the Yorkshire West Riding Council, in whose district the father's residence was, and the justices made an order to that effect.

Held, that there was evidence upon which the justices could find that the child was resident with his father, and not in the district in which the child, in fact, was when he was committed to the industrial school.—*YORKSHIRE WEST RIDING COUNCIL v. COLNE CORPORATION, K.B.D.*, 160.

#### INSURANCE :—

1. *Deposit—Variation of investments—Board of Trade Order of 6th June, 1910, Part I., rule 4—Assurance Companies Act, 1909 (9 Ed. 7, c. 9), s. 2.*—The Board of Trade Rules under the Assurance Companies Act, 1909, authorize under rule 4 (a), which deals with variation of investments, the substitution of war loan for stocks or cash in court to the credit of the assurance association in accordance with the Act, and they also authorise an order dealing with the method of payment out of the income, but they do not authorize a direction as to variation of the investments from time to time standing to the credit of the assurance association's account in court.—*RE ENGLISH AND SCOTTISH LAW LIFE ASSURANCE, Sargant, J.*, 549.



2. *Horse—Death* "solely attributable to accidental, external and visible injury"—No visible signs of injury—Certificate of veterinary surgeon—Waiver.—A policy of insurance was taken out on a horse against "death solely attributable to accidental, external and visible injury certified by a fully qualified veterinary surgeon." The horse while drawing a loaded van bolted and fell into a ditch, with the van on top of it; and before it could be released it was dead. There was no visible sign of injury on the carcass or organs of the horse, other than the rupture of the diaphragm, which was certified not to be the cause of death, and there was no fracture of the neck bone or any of the vertebrae. Evidence was given that the shaft of the van was pressing against the horse's windpipe, and a veterinary surgeon gave evidence that the horse died of asphyxia.

Held, that death was due to "external and visible injury" within the meaning of the policy.

*Hamlyn v. Crown Accidental Insurance Co.* (41 W.R. 531; 1893, 1 Q. B. 750) applied.—*BURRIDGE v. HAINES, K.B.D.*, 521.

3. *Jewellery—Loss of or damage or misfortune to the property—Goods sent to Germany and Belgium on sale and return—Outbreak of war—Inability of consignees to return or deal with the goods—No evidence that consignees had lost control of the goods—Action on policy—Order under R.S.C., ord. 26, r. 1.*—The plaintiffs, wholesale jewellers of London, did business with firms abroad. They insured their stock of jewellery for a year from 8th January, 1914, with the defendant by a non-marine policy against "loss of or damage or misfortune to the property . . . arising from any cause whatsoever" up to a limit of £45,000, whilst the goods were in the United Kingdom or any country in Europe (with certain exceptions) and in transit from any port in the United Kingdom to any other port in the United Kingdom or Europe. In July, 1914, the plaintiffs consigned jewellery to trade customers at Frankfurt and Brussels on sale and return, the jewellery to remain. Owing to the outbreak of war on 4th August with Germany, and the occupation of Brussels on 20th August by the Germans, the plaintiffs were unable to recover possession of the goods. There was evidence that the consignees had deposited the goods with their bankers, and there was no evidence that the banks had not still the goods in their safes.

In an action on the policy the Court of Appeal held that as the policy was on the jewellery itself, and not on the commercial adventure, the evidence which the plaintiffs could give in support of their claim was insufficient to establish that the jewellery was "lost" within the meaning of the policy.

So held by the House of Lords dismissing the plaintiffs' appeal, but liberty was granted the appellants to exercise an option to discontinue the action under ord. 26, r. 1.

Decision of Court of Appeal (1917, 1 K. B. 458, 22 Com. Cas. 229) affirmed.—*MOORE & GALLOP v. EVANS, H.L.*, 69.

4. *Life—Non-disclosure of material facts—Evidence as to materiality of illnesses—Admissibility of medical opinion—Costs—Separate issues—R.S.C., ord. 65, rr. 1 and 2.*—In a proposal form for a life insurance policy it was asked: "What illnesses have you suffered?" The reply was, "None of consequence." In an action on the policy the jury found that the insured had in fact suffered from an illness of consequence, and judgment was entered for defendants, as there had been a substantial misstatement of fact. The defendants also pleaded other misstatements and non-disclosures, but the jury found against them, and in favour of the plaintiff.

Held, (1) that medical evidence was admissible as to the materiality of illnesses; (2) that defendants were entitled to the costs of the action; and plaintiff was not entitled to costs under ord. 65, rr. 1 and 2, as succeeding upon separate issues on the findings in her favour.—*YORKE v. YORKSHIRE INSURANCE CO., K.B.D.*, 605; 1918, 1 K. B. 662.

5. *Marine—Charter-party—Peril of capture—Men-of-war—German ship putting into a neutral port to avoid risk of capture—British goods on German ship—Loss of venture—Whether proximately due to perils insured against.*—In June, 1914, the plaintiffs, English merchants, sold certain goods to a German firm, the property in which was not to pass until the goods arrived at Hamburg. The goods were shipped at Calcutta on board the German s.s. *Kattenturm*, and were insured with the defendants under a policy which, *inter alia*, covered usual perils, including "men-of-war . . . enemies . . . taking at sea . . . and all other perils, losses, and misfortunes that have or shall come to the hurt, detriment, or damage of the said goods or merchandise." While on the voyage war was declared. The *Kattenturm* had got as far as the Mediterranean, and her master decided to abandon the voyage till after the war, and put into a neutral port. The plaintiffs thereupon claimed for a total loss under the policy. Bailhache, J., found that the voyage from the neutral port to

Hamburg could not be continued; that she had not been chased by any hostile cruiser, or even sighted one. But although, to constitute the risk of capture within the meaning of the policy, actual seizure was not necessary, nevertheless the risk must have been so imminent as to compel the ship to take refuge, and to form the *causa causans* of the abandonment of the venture. That was not the case here, and the plaintiffs could not recover.

The Court of Appeal affirmed Bailhache, J.

Held, that on the facts the loss was not covered by the policy. *British and Foreign Marine Insurance Co. v. Sanday & Co.* (60 SOLICITORS' JOURNAL, 253; 1916, 1 A. C. 650), distinguished.—*BECKER v. LONDON ASSURANCE, H.L.*, 35; 1918, A. C. 101.

6. *Marine—Proximate cause of loss—Perils of the sea—Exemption of consequences of hostilities—Vessel torpedoed—Reaches a harbour—Subsequently sinks—Liability of insurer.*—A vessel was insured against ordinary marine perils. In the policy she was "warranted free from all consequences of hostilities." When near Havre she was torpedoed, but by means of her pumps got into that harbour and alongside a berth. The harbour authority, fearing she would sink, ordered her to leave the berth and go to an anchorage where, had she sunk, she would not have been a danger to other shipping. While at this second anchorage she grounded in rough weather, and her owners gave notice to the underwriters that she had become a total loss.

Held, that the torpedoing of the vessel was the proximate cause of the loss, and therefore the shipowners could not recover on the policy.

Decision of the Court of Appeal (1917, 1 K. B. 173) affirmed.—*LEYLAND SHIPPING CO. v. NORWICH UNION INSURANCE SOCIETY, H.L.*, 307; 1918, A. C. 350.

#### JUSTICES:—

*Conviction—Amendment—Sale of milk in excess of Food Controller's price—Charges on different dates—Duplicitv—Intention of justices to convict for one offence only—Conviction drawn up by mistake for two offences—Certiorari to quash—Power of court to amend—Quarter Sessions Act, 1849 (12 & 13 Vict. c. 45), s. 7.*—On a charge before justices for selling milk on two separate dates at prices higher than the maximum fixed by the Food Controller, the justices intended to convict for one offence only, as their attention had been drawn to the objection for duplicity in the information. By a mistake the conviction was drawn up as for the two offences, and a rule nisi for a writ of certiorari was obtained to quash the conviction for duplicity.

Held, that the rule must be made absolute, but that on the return to the writ the Court might amend the error under the Quarter Sessions Act, 1849.—*REX v. WOOD, K.B.D.*, 623.

#### LANDLORD AND TENANT:—

1. *Agreement by landlord to pay rates—Non-payment—Distress—Illegality—Liability of landlord—Courts (Emergency Powers) Act, 1914 (4 & 5 Geo. 5, c. 78), s. 1, sub-section (1).*—A landlord agreed with his tenant to pay the rates, but he objected to pay a portion of one rate, alleging that the amount was not owing. The local authority having distrained, the tenant sued the landlord for damages for the distress. The landlord denied liability on the ground that the distress was illegal under the Courts (Emergency Powers) Act, 1914. The county court judge held that the landlord must have contemplated that his non-payment of the rate would be followed by a distress on the tenant, and he was therefore liable whether the distress was or was not illegal. On appeal, Held, that the decision of the county court judge was right.

*Per Darling, J.*: A notice equivalent to Form I. of the Act having been appended to the summons for distress, it is not a vital objection, that a summons has not been taken out under Form II.

*Per Avory, J.*: By rule 14 the proceedings or applications under the Act are within the Summary Jurisdiction Act, 1848, s. 1, and no objection is to be taken or allowed to summonses on the ground of variance.—*ISAACS v. ARLIDGE, K.B.D.*, 142.

2. *Covenant by lessee to execute works required by local authority—Providing fire escape—Apportionment of expenses—Liability of landlord—London Building Acts (Amendment) Act, 1905 (5 Ed. 7, c. ccix.), ss. 6, 7, 20.*—The lease of a house contained a covenant by the lessee to execute all such works as might be required by the local authority in pursuance of any Act passed or to be passed thereafter. A fire destroyed more than half of the building, and the executor of the lessee rebuilt it so as to afford accommodation for more than twenty persons, and in pursuance of the London Building Acts (Amendment) Act, 1905, s. 7, he provided a fire escape at a cost of £410. Under section 20 the county court judge apportioned the expenses, but held that the landlord was free from contribution under the covenant,

Held, that the covenant contemplated that such a charge should be borne wholly by the lessee, and that the judge, having taken into consideration all the circumstances, the covenant, amongst them, and as it was for him to determine the matter, the court could not interfere with his decision, as no error of law was shown, nor that the contract was harsh and unconscionable.—*MONROE v. BURGHCLERE, K.B.D.*, 231; 1918, 1 K. B. 291.

3. *Covenant by lessee to insure against fire—Fire caused by aircraft—Policy to be effected in named company—Usual policy at date of lease—Exception of war risks—Forfeiture for non-insurance—Construction of covenant.*—A lessee covenanted to insure against loss or damage by fire with a specified insurance company. A fire policy was taken out in the named company in 1905 and renewed year by year, whereby loss or damage caused by foreign invasion was excepted. This was the only kind of fire policy issued by the company. In 1915 the lessor required the lessee to take out a policy covering loss or damage by aircraft.

Held (Pickford, L.J., dissenting), that the covenant did not bind the lessee to insure against loss or damage from fire caused by hostile aircraft, where the ordinary policy of insurance against fire issued by the designated company did not cover anti-aircraft risks.

Decision of Roche, J. (reported *ante*, p. 143), affirmed.—*URJOHN v. HITCHENS, C.A.*, 567; 1918, 1 K. B. 171.

4. *Poisoning of animals by overhanging yew trees—Dangerous to cattle at date of lease—Lessor's duty to lessee.*—The plaintiff took land from defendant on a yearly tenancy in 1914. In 1915 a mare belonging to plaintiff was poisoned by eating from yew trees overhanging into the land demised from the land in the occupation of the defendant. In an action to recover the value of the mare the county court judge, upon the authority of *Erskine v. Adeane* (1873, 8 Ch. 756, 21 W. R. 802), gave judgment for the defendant, and the Divisional Court differing in opinion, the plaintiff's appeal thereto was dismissed.

Held, that the yews having overgrown the demised land at the time of the lease, in the absence of evidence by the plaintiff to the contrary, it must be taken that the condition of the yew trees was substantially the same as at the date of the commencement of the tenancy, and therefore the judgment of Mellish, L.J., in *Erskine v. Adeane* applied, and the defendant was not liable.—*CHEATER v. CATO, C.A.*, 141; 1918, 1 K. B. 247.

#### LEASE:—

1. *Covenant—Rooms let in building—Covenant by lessors to keep roof in tenable condition—Control of roof—Waterpipe blocked—Damage from overflow—No notice to lessors of obstruction.*—The rule as to liability of a landlord who covenants to repair, that he must have had notice of defects, does not apply if he retains possession and control of the premises to which his covenant relates.

Lessor covenanted in a lease demising rooms in a building, that they would keep the roof in tenable condition. A water-pipe from the gutter of the roof becoming blocked with rubbish, water overflowed into the demised rooms and did damage. The lessors had received no notice of the obstruction.

Held, that they were liable on the covenant, as they retained possession and control of, and access to, the roof for the purpose of inspection and repair.—*MELLES v. HOLME, K.B.D.*, 704.

3. *Covenant against assignment without consent in writing of lessor—Waiver by conduct of lessor.*—A lease contained a covenant by the lessee not to assign the premises without the consent in writing of the lessor. At an interview between the lessor, the lessee, and the defendant, the lessor, by words and conduct, led both the lessee and the defendant to believe that he accepted the defendant as assignee of the lease. The defendant thereupon entered into obligations with the lessee to the knowledge of the lessor. At the interview there was also handed to the defendant by the lessee, in the presence of the lessor, a letter from the lessor to the lessee giving the lessee an option of renewing the lease or of assigning it. The lease having been assigned to the defendant, the lessor brought an action for the recovery of the premises, on the ground that his written consent to the assignment had not been obtained.

Held, that there was a waiver of the provision in the lease that there should be a written consent to the assignment of the lease. *Richardson v. Evans* (1818, 3 Madd. 218) considered.

Held, also, that the option was equivalent to a consent in writing to any approved tenant—to a respectable and responsible tenant within the meaning of the lease.—*MILLARD v. HUMPHREYS, K.B.D.*, 605.

3. *Covenant to repair—Landlord supplying "all necessary materials"—Refusal of landlord to supply materials—Construction—Qualification of lessee's covenant.*—A lease contained

a covenant by the lessee to repair the demised premises "at his own cost, being allowed all necessary materials for this purpose (when previously approved in writing by the lessor) and carting such materials free of costs . . ." The lessor did not call upon the lessee to repair, but the lessee having applied to the lessor to supply such materials, the lessor refused to supply them. In arbitration proceedings the lessee claimed damages for failure to supply materials, and alternatively said that the lessor was by custom of the country bound to allow a tenant to have the necessary materials for the execution of the reasonably needed repairs.

Held, that on the wording of the covenant there was no obligation imposed on the lessor to supply materials to the lessee, but the performance of a condition was imposed on the lessor with respect to the covenant by the lessee to repair. Read in conjunction with the rest of the instrument, the clause must be construed as a qualification of the lessee's covenants, and not as a positive covenant by the lessor.

Held, further, that the lessee was not entitled to give evidence as to the custom he alleged existed, as that would be inconsistent with the express words of the lease.

Decision of the Divisional Court (Coleridge, J., dissenting on the first point) (reported 61 SOLICITORS' JOURNAL, 253; 1917, 1 K. B. 605) affirmed.—*WESTCOTT v. HAHN, C.A.*, 348; 1918, 1 K. B. 495.

4. *Perpetuity—Reversionary lease—Interesse termini—Registration of title.*—An *interesse termini* is a vested and not an executory or contingent interest.

A reversionary lease to commence beyond the perpetuity limit is valid, and does not offend against the rule against perpetuities, and a holder thereof should be registered with a good leasehold title and not only with a possessory title.—*MANN, CROSSMAN & PAULIN v. LAND REGISTRY, Neville, J.*, 54; 1918, 1 Ch. 202.

5. *Soldier assignee—Leave to determine tenancy—Effect on lessee's liability—Discretion of judge to impose conditions for granting leave—Notice to all parties interested—No such notice served on lessee—Courts (Emergency Powers) (Amendment) Act, 1916 (6 & 7 Geo. 5, c. 13), s. 2.*—On an application to the county court under the Courts (Emergency Powers) (Amendment) Act, 1916, by a soldier assignee of a lease, to which application the lessor was a party, but not the lessee, the judge made an order determining the assignee's tenancy.

In an action by the lessee asking for a declaration that the effect of the county court judgment was to determine the lease altogether and to discharge him from all further or future liability thereunder.

Held, that in this case the lessee was not entitled to the declaration he sought. No notice of the application to the county court had been served on the lessee, and the order there made expressly provided that nothing in the order should "affect any question as to the respective rights and liabilities of the lessee and lessor in respect of the premises."

*Seem*, that the county court judge has the fullest discretion to decide on what conditions the soldier tenant's application shall be granted, and that the duty of the judge is to see that all persons interested should be before him.

Decision of Astbury, J. (reported 61 SOLICITORS' JOURNAL, 666; 117 L. T. Rep. 17), reversed.—*TOZER v. VIOLA, C.A.*, 86; 1918, 1 Ch. 75.

#### LIBEL:—

*Privilege—Communication in course of business—Common interest—Publication to clerk.*—A firm having a dispute with another firm as to a commercial contract, the former wrote to the latter, informing them that they had appointed R. their arbitrator, and received a reply refusing to accept R. on the ground that he had a "German name." R., who was not a German, having brought an action for libel on this letter, recovered damages.

Held, that the question of the appointment of a suitable arbitrator was a matter in which both firms had a common interest, and that the occasion was privileged.

Held, further, that the privilege was not lost by the letter having been opened, in the ordinary course of business, by a clerk employed by the firm to which it was addressed.

*Edmondson v. Birch & Co. (Limited)* (1907, 1 K. B. 371) followed.—*ROFF v. BRITISH AND FRENCH CHEMICAL CO., C.A.*, 620.

#### LOCAL GOVERNMENT:—

1. *Hackney carriages—Licence—Plying for hire "in any street"—Omnibus not plying for hire "in any street"—Necessity for licence—Town Police Clauses Act, 1847 (10 & 11 Vict. c. 89), ss. 38, 45—Town Police Clauses Act, 1889 (52 & 53 Vict. c. 14), s. 3.*—By the Town Police Clauses Act, 1847, ss. 38 and 45, any carriage



plying for hire "in any street" must be licensed by the local authority. The Town Police Clauses Act, 1889 (incorporated in the former Act, and with the Public Health Act, 1875), introduced, in section 3, the word "omnibus." The effect of this (Avory, J., and Atkin, J., Darling, J., dissenting) was to substitute the word "omnibus" in section 45 of the earlier Act so as to read: "If the proprietor of any carriage permits the same to be used as an omnibus plying for hire within the prescribed distance, without having obtained a licence as aforesaid for such carriage, then he shall be liable" to the penalty under section 45 of the former Act. *THOMSON v. BIRMINGHAM MOTOR OMNIBUS CO., K.B.D., 683.*

2. *London County Council Bye-laws—Sale of books, &c., in parks—Application for consent—General resolution not to grant—Duty to hear and determine.*—While it is *intra vires* of the London County Council to make bye-laws regulating the sale of books, papers, &c., in the parks under their control, and requiring their consent and permission for such sale, the council are bound to hear and determine each application specifically on its merits; and they cannot, by a general resolution, lay down beforehand that they will not grant their consent in any case.—*REX v. LONDON COUNTY COUNCIL, K.B.D., 70; 1918, 1 K. B. 68.*

3. *Notice to frontagers to make up a road—"Within a time to be specified"—Discretion to be exercised—Reasonable time—Work executed by local authority—Invalid notice—Waiver—Public Health Act, 1875 (38 & 39 Vict. c. 55), s. 150.*—A public authority issued notices under section 150 of the Public Health Act, 1875, requiring certain frontagers to make up a road, not being a highway repairable by the inhabitants at large, and inserted in each notice "one month" as the time within which the work was to be done.

Held, that the words in the section "within a time to be specified," meant a reasonable time in the discretion of the local authority in which the frontager could carry out the work in each case. As it was proved that this local authority was in the habit of issuing a common form notice giving one month's time for the completion of the work—a period in this instance admittedly wholly inadequate—no discretion had been exercised by the local authority, and consequently the notice was invalid.

Decision of Neville, J. (61 SOLICITORS' JOURNAL, 677; 15 L. G. R. 688), affirmed.—*BRISTOL CORPORATION v. SINNOTT, C.A., 53; 1918, 1 Ch. 62.*

4. *Sequestration against corporation—Housing and Town Planning Act, 1909 (9 Ed. 7, c. 44), s. 18, sub-section 3.*—Where the sub-committee appointed to consider plans and specifications tendered by the owner in accordance with the provisions of section 18 (3) of the Housing and Town Planning Act, 1909, and to inspect premises with regard to which a demolition order had been made, reported that the houses could not be rendered fit for human habitation, and the corporation acted on that report and refused to postpone the operation of their demolition order.

Held, that the corporation had acted judicially in accordance with the provisions of the Act, and a motion to sequester the property of the corporation accordingly failed.—*BROADBENT v. ROTHERHAM CORPORATION (No. 2), Neville, J., 451.*

5. *Fire brigade—Summoning fire brigade—Probability of fire—Prevention—Charges and expenses—Rates—Town Police Clauses Act, 1847 (10 & 11 Vict. c. 89), s. 32—Public Health Act, 1875 (38 & 39 Vict. c. 55), s. 251.*—In the case of actual fire, or a reasonable fear of fire, a person is entitled to summon the fire brigade of the district, and to claim their services without payment. The local authority is not entitled to charge a person for the services because there was no actual outbreak of fire, and only a danger of fire, as section 32 of the Town Police Clauses Act, 1847, is not restricted to the case of actual fire. But where the services are required by a person without reasonable fear, or if he could have performed the services himself, the local authority may charge him for the services rendered.—*GRAYS THURROCK U.C. v. GRAYS CHEMICAL WORKS, K.B.D., 741.*

#### MASTER AND SERVANT:—

1. *Agreement for war bonus—Forfeiture on "leaving service" before end of war—Workman enrolls as war munition volunteer—Transfer to controlled establishment by Ministry of Munitions—Munitions of War Act, 1915 (5 & 6 Geo. 5, c. 54), s. 6 (1) and (2).*—Employers and their workmen agreed that a war bonus of 10 per cent. should be paid to the men at the end of the war, but that if any employee should "leave the service for any reason" before the end of the war he should forfeit all claim to the bonus. The plaintiff, shortly after the date of the agreement, enrolled as a War Munition Volunteer, whereby he undertook to work for the Ministry of Munitions at any controlled establishment, and a year later, on 3rd June, 1916, was transferred to such an establishment

by the order of the Minister. In an action by him against the employers for a declaration that he would be entitled to be paid the bonus that had accrued by 3rd June, 1916, at the end of the war,

Held (reversing Lush, J., *ante*, p. 451), that he had voluntarily left the service of the employers, and had thereby forfeited the bonus.—*STRETCH v. SCOUT MOTOR CO., C.A., 651.*

2. *Contract required to be evidenced in writing—Rescission—Variation—Accord and satisfaction—Implied rescission by unenforceable parol contract—Statute of Frauds (29 Car. 2, c. 3), s. 4.*—A contract for service abroad for three years, made between employers and a number of men, provided that wages should be paid at the rate of fifty-four hours per week for a working week of six days. On the outbreak of war the employers intimated to the men that it would be necessary to discharge some of them unless the number of hours was reduced to forty-five for a week of five days. At a meeting of the men they agreed by a majority to work under the proposed arrangement. The plaintiff, who was one of these men, continued his work, and each week he was paid his wages at the rate of forty-five hours a week. He completed the term of three years, and then claimed wages for 51 days, for which he had not been paid.

Held, applying *Morris v. Baron & Co.* (1918, 1 A. C. 1), that, as it was not intended to rescind, but to vary, the original contract which was required by the Statute of Frauds, s. 4, to be in writing, therefore the variation could not be made by parol; and as the defendant's on the facts did not establish accord and satisfaction, the plaintiff was entitled to recover the unpaid wages.—*CUTTS v. TALTAL RAILWAY, K.B.D., 423.*

3. *Negligence—Defective door—Loose glass—Liability of owner to servant—No evidence of personal negligence.*—The plaintiff was opening the doors of the garage belonging to the defendant, a married woman, when a large piece of glass, partly secured by a nail only, fell out of the sash and injured him. The evidence was that, although he had been working for the defendant as chauffeur for about a fortnight, he was unaware that the glass was not secured by a bead in the ordinary way. In an action for damages the county court judge set the verdict of the jury for the plaintiff aside, holding there was no evidence of negligence on the part of the defendant.

Held, that as the only evidence of the negligence alleged did not establish that the defendant was aware, or ought to have been aware, of the defective condition of the premises, the plaintiff was not entitled to recover.—*COLE v. DE TRAFFORD, C.A., 635; 1918 1 K. B. 352.*

#### MERGER:—

*Settlement—Protected life estate—Income—Discretionary trust—Power to appoint corpus—Appointment in favour of life tenant.*—Where under a marriage settlement the trusts of the wife's property were for the wife for her life and after her death for the husband for his life, with a common form protected life interest proviso in respect of the husband's interest, and the usual trusts for the issue of the marriage, with a gift over in default of issue (which event happened) as the wife should by deed or will appoint, with an ultimate trust for next of kin, and the wife died and her will operated as an exercise of the power of appointment in the husband's favour, on an application by the husband to have the trust funds transferred to him on the ground of merger of his interests.

Held, that there had been no merger of the husband's life estate in the reversion, because the two estates were not co-terminous, and an estate might come into existence on an alienation of his life estate in favour of possible children on a re-marriage.—*Rz CHANCE'S SETTLEMENT, Neville, J., 349.*

#### MINES:—

*Inclosure Act—Preamble—Allotted lands—Underlying minerals—Reservation to lord of manor—Working impossible at date of Act—No implication of right to let down surface.*—By the preamble to an Inclosure Act of 1914 it was recited that the lords of the manor were the owners of the mines and minerals underlying the lands allotted by the award thereto, but neither the Act nor the award contained any further reference to mines or minerals. At the date of the passing of the Act the working of such mines, owing to their great depth, was not contemplated as possible by any of the parties. It had now become possible to work them, but not without causing a subsidence of the surface.

Held, that in the absence of any express words, the right of the lords of the manor to the mines did not carry with it by necessary implication any right to let down the surface.

*Love v. Bell* (9 A. C. 288) applied.

Decision of Sargant, J., affirmed.—*THOMSON v. ST. CATHERINE'S COLLEGE, C.A., 470.*

## MONEY :—

*Payment—Remittance by post—Implied request.*—The defendants sent a written notice to the plaintiff stating that a sum of £48 5s. 8d. would shortly become payable by him to them, and that it should be paid at their office, and asking the plaintiff "when remitting" to return the notice. The plaintiff sent to the defendants by registered post a packet which contained £48 in Treasury notes, a postal order and stamps for 5s. 8d. The packet was delivered by the postman to the lift boy, who was not the defendants' servant, at the building in which the defendants' offices were, who stole the money.

Held, that by the use of the word "remitting" a request for payment through the post was to be implied. Nevertheless, such a request was to be taken as limited to the payment of such a sum by cheque or other document as would in the ordinary course of business be remitted by post. The sending of so large a sum as £48 in Treasury notes, owing to the ease with which they could be paid away, was not an ordinary or proper way to transmit such a large debt. The plaintiff had failed to prove payment, and the action had rightly been dismissed.

Decision of Bailhache, J. (reported 1918, 1 K. B. 123), affirmed.—*MITCHEL-HENRY v. NORWICH UNION INSURANCE SOCIETY, C.A.*, 487; 1918, 1 K. B. 123.

## MONEY-LENDER :—

*Carrying on business at other than registered address—Isolated transaction—Promissory note—Bona fide holder for value—Avoidance of transaction—Money-lenders Act, 1900 (63 & 64 Vict. c. 51), s. 2.—Money-lenders Act, 1911 (1 & 2 Geo. 5, c. 38), s. 1 (1).*—A money-lender entered into a money-lending transaction in a room at an hotel, and there a cheque and two promissory notes were signed. The money-lender indorsed one of the promissory notes to a bona fide holder for value without notice, and the latter sued the defendant, who paid the note and claimed indemnity from the money-lender under section 1, sub-section 1, of the Money-lenders Act, 1911, as having been prejudiced by virtue of this enactment upon the ground that the transaction was void under section 2, sub-section 1 (b), of the Money-lenders Act, 1900, as the money-lender in entering into it was carrying on business elsewhere than at his registered address, and, but for the Act of 1911, the defendant would have had a defence to the plaintiff's claim.

Held, that although the transaction was an isolated one, it was a contravention of the prohibition in section 2, sub-section 1 (b), of the Act of 1900, and being so rendered void, the defendant was entitled to an indemnity.

Decision of Court of Appeal (Phillimore, L.J., dissenting), reported *sub nom. Finegold v. Cornelius*; *Phillips, Third Party* (61 SOLICITORS' JOURNAL, 117; 1916, 2 K. B. 719) reversed.—*CORNELIUS v. PHILLIPS, H.L.*, 140; 1918, A. C. 199.

## MORTGAGE :—

*1. Priority—Equitable reversionary interest in personality—Declaration of trust—Equitable assignment—Notice—Negligence.*—The doctrine as to notice laid down in *Dearle v. Hall* (3 Russ. 1) has no application to a beneficiary who has no right to possession himself, and who can only assert his claim to receive the fund through his trustee. It does not, therefore, apply to a declaration of trust which is not an equitable assignment.—*HILL v. PETERS, Eve, J.*, 717.

*2. War restriction—Banker and customer—Overdraft—Equitable charge—Action to recover mortgage debt—Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915, ss. 1, 2.*—A customer obtained an overdraft from his bankers on the security of deeds relating to small house property, and signed the usual form required by bankers when making an advance. Default having been made, the bank sued to recover principal and interest then due. The defendant pleaded that the deed was a mortgage within section 1, sub-section 4, of the Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915, and the plaintiffs were therefore debarred from maintaining the action. The plaintiffs denied that the deed was a mortgage within the meaning of the section, and submitted that the advance came within the exception in section 2, sub-section 4 (b), as being "an equitable charge by deposit of title deeds or otherwise."

Held, that the deed was an equitable charge, and therefore the bank was entitled to maintain the action.

Decision of Shearman, J. (86 L. J. K. B. 1521, 117 L. T. Rep. 311), affirmed.—*LONDON COUNTY AND WESTMINSTER BANK v. TOMPKINS, C.A.*, 330; 1918, 1 K. B. 515.

## NEGLIGENCE :—

*1. Evidence—Agistment—Theft of cattle—Reasonable inquiries—Duty of agister.*—Cows agisted with the defendant by the plaintiff were stolen. The disappearance of the cows was reported to the

agister, but he assumed that the owner had taken them away, as he had intimated he would, when they were expected to calve, and he neither informed the police nor the owner of the loss. The county court judge held that, if proper steps had been taken, the cattle would have been recovered.

Held, there was no evidence for this inference, that the damages were too remote from the negligence alleged, and judgment must be entered for defendant.—*COLDMAN v. HILL, K.B.D.*, 703.

*2. House—Alterations—Work by contractors—Unfenced hole—Liability to persons lawfully coming on the premises.*—A house was being altered by landlords, in order that the incoming tenant might let off the upper part. The defendants were employed to do the gas work, in the course of which they had occasion to take up some boards on the first landing. The plaintiff having obtained from the house agent an order to view the part of the house proposed to be let, was admitted by one of the defendants' workmen. He gave the plaintiff no warning, although he knew that the hole on the landing was unfenced. The plaintiff fell into the hole and was injured. The jury found that the defendants were not negligent in not protecting the hole, but were negligent in not warning the plaintiff, and they awarded her damages. The defendants appealed on the ground that, as they were not negligent either in making the hole or leaving it unfenced, they owed no duty to the plaintiff, as they were not the occupiers, inviters or licensors.

Held, that the defendants were liable for their servant's negligence.—*KIMBER v. GAS LIGHT AND COKE CO., C.A.*, 329; 1918, 1 K. B. 439.

*3. Nuisance—Quarry adjoining public road—Blasting—Public warning to traffic on road—Accident to pedestrian—Contributory negligence—Duty of quarry-owners to keep results of explosion on their own land.*—The duty of any person or company owning and working a quarry, and from time to time blasting the rock by means of explosives, is to keep, at their peril, all the rock or stones so blasted within the quarry boundaries, and not to let them escape, so as to cause injury to persons on adjoining land, or on a road. The plaintiff, passing on a public road, having been so injured by blasting from a quarry, sued the company working the quarry, and recovered damages for injury as caused by negligence. There was evidence of negligence, and also of contributory negligence by the plaintiff in neglecting a warning.

Held, that the action was maintainable, independently of proof of negligence.

The doctrine of *Cox v. Burbidge* (13 C. B. N. S. 430) and *Fletcher v. Rylands* (L. R. 1 Exch. 278) applied.—*MILES v. FOREST ROCK GRANITE CO., C.A.*, 634.

See also Master and Servant.

## NUISANCE :—

*1. Evidence—Negative evidence.*—Where there is a large mass of honest and valuable evidence as to a nuisance, this testimony cannot be rebutted by an equal mass of merely negative evidence.

*Bainbridge v. Chertsey Urban Council* (85 L. J. Ch. 626) followed.—*GREAT CENTRAL RAILWAY v. DONCASTER D. C., Astbury, J.*, 212.

*2. Restrictive covenant—Covenant not to carry on trade—Offensive trade—Nuisance—Hospital for tuberculosis—Injunction.*—A hospital for surgical tuberculosis does not fall within a covenant against offensive trades or against doing anything injurious or offensive to the lessor or his tenants. Nor is such a hospital a common law nuisance.—*FROST v. KING EDWARD VII. WELSH NATIONAL, &C., Eve, J.*, 584.

See also Negligence.

## PARTNERSHIP :—

*Action for dissolution—Partnership not admitted—Motion by defendant for receiver.*—The defendant in an action for dissolution of partnership, who does not admit the existence of the partnership, but claims to own the whole business, cannot move in the action for the appointment of a receiver.

*Carter v. Fry* (7 L. J. Rep. 786) and *Collison v. Warren* (84 L. J. Rep. 482) followed.

*Sargent v. Reed* (1 Ch. Div. 600) not applicable.—*HARDY v. HARDY, Younger, J.*, 142.

## PASSING OFF :—

*Song—Old song as a new song—Action to restrain publication as a new work—"Now ready."*—A composer of songs brought an action to restrain the defendants, who were the owners of the copyright of a song written and composed by the plaintiff many years



ago, from publishing it in such a manner as to lead to the belief that it was one of her new and recent works.

Held, that the action failed and must be dismissed with costs.—*HARRIS v. WARREN AND PHILLIPS, Eve, J., 568.*

#### PATENT:—

*Extension—Advertisement—Patent and Designs Act, 1907 (7 Ed. 7, c. 29), ss. 18, 22—R.S.C., ord. 53A, r. 23 (f).*—Where a petition is presented under section 18 of the Patents and Designs Act, 1907, asking for an extension, the order granting the extension need not be advertised as in the case of an amendment of a specification under section 22 of the said Act, and ord. 53, r. 23 (f).—*RE FERRANTI'S PATENT, Sargant, J., 535.*

#### PERPETUATE TESTIMONY, ACTION TO:—

*Publication and use of depositions—Use of depositions at the trial—Witnesses found too infirm to give evidence in court—Order for re examination made in chambers—R.S.C., ord. 37, r. 18.*—The evidence of two very elderly ladies was taken in 1913 with the intent that it should be used if a claim was made to a certain estate. In January, 1913, the claimant commenced proceedings under the Legitimacy Declaration Act, 1858. The defendants applied for leave to use the depositions at the trial. The judge found that the ladies, by reason of their age, were prevented attending to give evidence at the trial, but directed that they should be re-examined. The defendants appealed, asking that the depositions should be read and used, and the re-examination of the witnesses dispensed with. There was a cross appeal by the plaintiff asking that the ladies should be required to attend in Court at the trial.

Held, that as the judge in chambers had found that the ladies, by reason of the fact that one was over eighty-two and the other about seventy-eight years of age, were prevented attending the Court to give *viva voce* evidence, the depositions were admissible as coming within the rule that where a deponent was still alive, and could be communicated with, previously made depositions by such witness were admissible only when sickness or other incapacity rendered the attendance of such witness in court unreasonable. The defendants' appeal therefore must be allowed and the cross-appeal dismissed.

*Morrison v. Arnold* (19 Ves. 669, 674) followed.

Decision of Horridge, J., varied.—*BERESFORD v. ATTORNEY-GENERAL, C.A., 103.*

#### PETITION OF RIGHT:—

*Claim to a jury—Discretion of judge—Petitions of Right Act, 1860 (23 & 24 Vict. c. 34), s. 7—R.S.C., ord. 36, rr. 3, 4.*—The question whether a suppliant is entitled to have his petition of right heard before a judge with a jury is one entirely within the discretion of the judge.—*RE MARCONI'S WIRELESS TELEGRAPH CO., C.A., 103; 1918, 1 K. B. 193.*

#### POWER OF APPOINTMENT:—

*Marriage settlement—Infant English wife—French husband—Will of wife while infant—Construction of settlement—Exercise of general power in settlement—Husband appointed "Legataire universel."*—A French holograph will made by the English wife, aged nineteen, of a Frenchman, both being domiciled in France from the date of marriage till the death of the wife, whereby she appointed her husband her "legataire universel," was held a good exercise of the wife's general power of appointment by will under her marriage settlement (which provided that such power should be validly exercised by a document executed in a manner to make it a valid will according to the law of her domicile or according to English law), to the extent to which by the law of her domicile she had testamentary capacity at the time of making the will.

*Re Simpson* (1916, 1 Ch. 502) and *Re Wilkinson's Settlement* (1917, 1 Ch. 620) followed.

*Re D'Este's Settlement Trusts* (1903, 1 Ch. 898) and *Re Scholefield* (1905, 2 Ch. 408) dissented from.—*RE LEWAL, Peterson, J., 702.*

See also Will.

#### PRACTICE:—

1. *Administration action wound up—Order obtained by executrix to defend in forma pauperis—Motion to discharge order*—Where seventeen years after the further consideration of an administration action, had been heard and determined, a defendant in the action by a blunder in the Record Office obtained an order to defend *in forma pauperis* and proceeded to obtain gratuitously copies of documents in the action from the Central Office and Public Record Office.

Held, on a motion by the Official Solicitor, that the order must be discharged, as the defendant could not revive an action so long wound-up, and that accordingly an order must be made putting an end to her proceedings in the matter.—*RE SEDDON, Nevill, J., 504.*

2. *Default in pleading—Failure to deliver statement of claim within time fixed—Application to dismiss action—Delivery of statement of claim out of time before hearing of application—No power to dismiss action—R.S.C., ord. 27, r. 1.*—By ord. 27, r. 1, if the plaintiff, being bound to deliver a statement of claim, does not deliver it within the time allowed, the defendant may, at the expiration of that time, apply to the Court to dismiss the action for want of prosecution, and on the hearing of such application the Court may, if no statement of claim shall have been delivered, order the action to be dismissed.

Held (reversing Coleridge, J.), that the power of the Court to dismiss the action under this rule only arises if, down to the time of the hearing of the application to dismiss no statement of claim has in fact been delivered.—*LYON v. STURGES, C.A., 247; 1918, 1 K. B. 326.*

3. *Discovery—Interrogatories—Material facts—Sale of goods—Defence that sale of goods was not to the defendant, but to a company—Reply that company was agent of the defendant—Interrogatory as to defendant's interest in company—Appeal to House of Lords on matters of procedure—R.S.C., ord. 31, rr. 1, 2.*—An action which was commenced by specially endorsed writ was brought to recover the price of goods sold and delivered, and the defence was that the goods were supplied to a limited company. The plaintiffs replied that the company was acting as agent for the defendant. Thereupon the plaintiffs applied for leave to interrogate the defendant as to whether he had formed the company, whether its purpose was to manage a theatre, whether he owned any of the shares, and whether he had supplied moneys for the purpose of the theatre. The Court of Appeal allowed the interrogatories.

Held, that the interrogatories ought to be allowed, as bearing on the liability of the defendant.

Held, further, that appeals to the House of Lords on matters of procedure ought not to be regarded with favour. It was undesirable, unless an important question of principle was in issue, that appeals on questions of procedure should be taken beyond the Court of Appeal.

*Salomon & Co. v. Salomon* (1897, A. C. 22) held not to apply.—*BLAIR v. HAYCOCK & Co., H.L., 68.*

4. *Discovery—Particulars—Traverse of negative allegations—Onus on plaintiff to prove—R.S.C., 1883, ord. 19, r. 7.*—The object of particulars is to enable the applicant to know what case he has to meet.

*Spedding v. Fitzpatrick* (1898, 38 Ch. D. 410) followed.

The plaintiff in this action was not re-elected by the committee of the London Stock Exchange, because a notice of objection had been lodged under the rules on the ground of his enemy birth. He brought this action for a declaration that he was still a member, and alleged that, in declining to re-elect him the committee did not exercise any discretion *bona fide*, fairly, reasonably or judicially, but had acted arbitrarily. To this the defendants alleged that in their *bona fide* discretion, under rule 21, they did not re-elect the defendant because they did not deem him eligible.

Held, that the plaintiff was not entitled to particulars of any facts or grounds on which the committee founded their decision, as the onus of disturbing the presumption of *bona fides* lay upon the plaintiff.

*Ex parte Penney* (1872, L. R. 8 Ch. 446) applied.

A traverse of a negative allegation that the plaintiff has to prove is not a matter stated within ord. 19, r. 7.

There must be a mistake in the report of *Alman v. Oppert* (1901, 2 K. B. 576) where Collins, L.J., referred to the granting of particulars in an action for malicious prosecution.—*WEINBERGER v. INGLIS, Astbury, J., 160; 1918, 1 Ch. 133.*

5. *Settlement of action—Order for destruction of documents—Affidavits taken off file—Subsequent use by employers of photograph and copies of destroyed documents—Refusal of injunction—A clerk was engaged by a firm of solicitors on the terms of an agreement contained in a letter, which included a condition imposing a restriction upon him after he should leave their service. Having done so, the firm brought an action against him for breach of the restriction. The defendant claimed that the restriction had been struck out. A member of the firm made an affidavit alleging that the erasure and the initialling by the parties was a forgery. The action was ultimately settled upon terms that the letter and the affidavits should be destroyed, and they were destroyed.*

Upon the clerk at a later date applying for admission as a solicitor, his former employers lodged an objection, in support of

which they produced a photograph of the letter and copies of the affidavits so destroyed.

Held, that, as the order in the action did not refer to any copies of the documents ordered to be destroyed, and the employers had refused to withdraw their charge of forgery, the Court would not grant any injunction to restrain them from using the copies as they had done.—*JONES v. TRINDER & Co., C.A.*, 486.

6. *Striking out claim—Action (cause of)—Naval officer—Alleged false imprisonment—Retirement of officer—Jurisdiction of civil court—Whether action against a superior officer can be maintained by plaintiff retired from the service.*—The appellant claimed damages from the respondent on two grounds. He alleged (1) that without lawful justification the defendant had ordered his imprisonment in hospital, and (2) that by a subsequent order the defendant had caused him to be retired from the Navy.

A summons was taken out before a master, who made an order that the indorsement on the writ and the statement of claim should be struck out as tending to embarrass and delay the fair trial of the action, and disclosing no reasonable cause of action. The judge in chambers affirmed the master. The Court of Appeal varied the order of the master so as to direct that the statement of claim should be struck out and judgment entered for the defendant.

Held, that, as delivered, the statement of claim had rightly been struck out as embarrassing, but that the plaintiff should have liberty to amend his pleadings on both grounds so long as, on the ground of alleged false imprisonment, no amendment was inconsistent with the admissions he had made before the master, that the defendant personally knew nothing of him and was not actuated by malice in what he did.

*Davkins v. Rokeby* (L. R. 7 H. L. 744) considered and explained.—*FRAZER v. BALFOUR, H.L.*, 680.

See also Costs.

#### PRINCIPAL AND SURETY:—

*Guarantee—Lunacy of surety—Determination of guarantee—Notice to creditor to terminate the guarantee.*—The liability of a surety under a continuing guarantee is determined by the lunacy of the surety, as it would be by death; although there is a general provision in the contract that it shall not be determined except on the surety or his representatives giving three months' notice.

A surety guaranteed the loan account and the current account of a company with a bank, and against depreciation of debentures of the company deposited with the bank as security. The surety became insane when there was a balance due on the loan account. The bank had notice of the lunacy, but no notice to determine the contract was given by the lunatic's committee, although there was a clause in the contract that the guarantee should not be determined unless three months' notice was given by the surety or his representatives. The contract made no provision for the case of lunacy.

Held, that the liability of the surety on the continuing guarantee was determined by his lunacy, and the guarantee ceased to be operative, but that his committee was liable for the amount of the loan account accrued due at the time when he became a lunatic.—*BRADFORD OLD BANK v. SUTCLIFFE, K.B.D.*, 404.

#### PRIZE LAW:—

1. *Admiralty—Salvage—Requisitioned German ship—Validity of Orders in Council—Merchant Shipping Act, 1894, s. 557—Merchant Shipping Act, 1906, s. 80—Merchant Shipping Act, 1916.*—The Admiralty cannot claim salvage in respect of the services of a German vessel seized as prize and ordered to be detained in the terms of *The Chile* order, and subsequently requisitioned by the Admiralty. It is beyond the power of His Majesty by any Order in Council made under section 80 of the Merchant Shipping Act, 1906, to declare what class of vessel is or is not within the category of ships dealt with by section 557 of the Merchant Shipping Act, 1894.—*"THE MATTI," P.D.*, 730.

2. *Blockade and seizure under wrong construction placed upon an Order in Council—Release by Prize Court—Claim by owners of goods released—Damages and costs.*—Where, as the result of a wrong construction being put upon the Order in Council of 11th March, 1915, called the "Reprisals Order," certain goods were seized by the Crown, but subsequently ordered by the Prize Court to be released, on a claim by the owners for damages for the improper seizure and detention of the goods.

Held, that such a claim was not sustainable.

*The Luna* (Edw. 190) followed.—*"THE SIGURD," P.D.*, 36.

3. *Capture of ship and cargo—Ship taken into port and handed over to proper officer—Cargo removed from ship without leave of Prize Court—Subsequent damage to cargo while stored—Alleged*

*breach of duty—Action for damages.*—An enemy ship was captured in the Red Sea by B., the captain of H.M.S. *Black Prince*, and taken to Alexandria. There B. handed her over to G., the Marine Controller, who, without obtaining an order from the Prize Court, removed the cargo from the ship and stored it in sheds on the quay. A fire broke out in the sheds, and part of the cargo was destroyed.

In an action by the claimants, owners and shippers of the cargo, to recover damages for the part of the cargo destroyed by fire, the Egyptian Prize Court held G. liable on the ground that, having removed and stored the cargo without first obtaining leave, he had been guilty of a breach of duty owed by him to the plaintiffs. B. was also held liable on the ground that he acted wrongly in handing over the ship, and since G., in removing the cargo, acted as his agent.

Held, that there was no absolute rule of international law which prevented B. from handing over the ship, and, further, that had G. applied for leave to remove the cargo, it certainly would have been granted. The cause of the loss had nothing therefore to do with the alleged breach of duty, and judgment must be entered for both appellants.—*"THE SUDMARK" (N. 2), P.C.*, 363; 1918, A.C. 475.

4. *Contraband—Wool—Process of combing to be performed in enemy country—Wool to be returned to neutral country—Doctrine of prize law—Wool on neutral vessels—By-products.*—When uncombed wool was sent in neutral ships to an enemy country to be combed or spun, and a certain proportion of the wool and the by-products thereof were to be retained by the enemy and the rest returned to a neutral destination,

Held, that the whole of the wool was subject to condemnation as lawful prize.—*"THE AXEL JOHNSON," P.D.*, 72.

5. *Enemy cargo—Sold in port—Proceeds seized as prize—Condemnation.*—Where enemy cargo of a perishable nature was sold in a port where it was liable to seizure as prize, and the proceeds were paid into an account for whom it might concern, and the proceeds of sale were subsequently seized as prize,

Held, on the issue of writ of prize, that such proceeds of sale could be condemned as droits of Admiralty, and they were accordingly condemned.—*"THE GLENBOY," P.D.*, 292; 1918, P. 82.

6. *Enemy officers captured—Money found hidden upon them—Private money of the officers—Confiscation.*—According to English Prize Law the private property of enemy officers and crews on a captured enemy ship is liable to confiscation unless the Crown consents to forego its rights thereto.

*The Aida* (2 Eng. Pr. Cas. 251) applied.—*"THE LIBAU," P.D.*, 106.

7. *Jurisdiction—Forfeiture of a ship in the custody of the Prize Court.*—An action in Admiralty in rem by a Customs officer claiming under the Merchant Shipping Act, 1894, s. 76, and the Merchant Shipping Act, 1906, s. 51, a declaration that a ship already in the custody of the Prize Court under an order for detention made by that Court is forfeited to the Crown is not maintainable, as it would be an action to override the decree of the Prize Court and an attempt by the Customs officer to seize the vessel would render him liable to a motion from the Prize Court.—*"THE ST. TUDNO," P.D.*, 521.

8. *Neutral ship carrying contraband forming more than half her cargo—Enemy destination—International law—Knowledge of ship-owner of character of goods—Practice of maritime States—Order in Council adopting art. 40 of the Declaration of London, 1909.*—A neutral vessel was captured while carrying a full cargo of conditional contraband to an enemy base of supply, and the Crown claimed the confiscation of the cargo and the condemnation of the ship. The President was of opinion that the attitude and action of the chief maritime States before and since the International Naval Conference of 1908-1909 justified the Prize Court in accepting as part of the law of nations the rule that "a vessel carrying contraband may be condemned if the contraband, reckoned either by value, weight, volume, or freight, forms more than half of the cargo," and he made the order as asked.

Held, that the decision was right.—*"THE HAKAN," P.C.*, 23; 1918, A.C. 148.

9. *Neutral vessel—Intention to supply enemy warships with coal—False papers—Voyage abandoned—Capture on return—Restitution—Costs.*—By the Declaration of London, as modified by Orders in Council, a neutral vessel is not liable to capture upon the ground merely that she had carried contraband on a previous occasion if such carriage is, in point of fact, at an end. A ship belonging to a Dutch subject loaded coal at Newport (Mon.). The coal was ostensibly consigned to a Buenos Ayres firm, to whom the vessel was chartered. She went to Tenerife, there to get



bunker coal, but was not able to obtain any. While there her master, who had become suspicious that the coal was destined for German warships, received orders to sell the steam coal and proceed to Madeira for orders, on the ground that, the hire not having been paid, the charter was thereby cancelled. Off Madeira the ship was ordered by naval officers to go to Gibraltar for investigation. Afterwards she was allowed to leave Gibraltar, and her master loaded a cargo of sulphur ore at a port in Spain for a Dutch seaport, but while making up Channel the ship had to put into Falmouth for repairs, and was there seized as prize. The President (Sir S. T. Evans) held that, although the vessel had carried contraband with false papers, and in circumstances amounting to fraud in regard to belligerents, nevertheless, on the principle of law above stated, the ship was immune from capture; but he ordered the owners to pay all costs incident to the capture and detention, and also of, and incident to, the prize proceedings.

Held, dismissing the Crown's appeal, that as the vessel never succeeded in carrying contraband to the enemy, and never proceeded to an enemy port, the case fell without the cases specified in the Orders of Council as rendering this ship liable to capture, and the decision appealed from must be upheld.

Decision of Sir S. T. Evans, P. (reported 60 SOLICITORS' JOURNAL, 540; 1916, P. 131), affirmed.—"THE ALWINA," P.C., 291; 1918, A. C. 444.

10. *Permission to remain in neutral port—Breach of international agreement—Jurisdiction to release prize.*—Where a neutral Power has allowed a prize to remain in one of its ports longer than is warranted by international law or international agreement that fact does not confer any power or duty upon the Prize Court to release the prize.—"THE SUDMARK," P.C., 37.

11. *Seizure of neutral ship and cargo—Cargo of enemy origin—Coal from occupied Belgian territory—Validity of Order in Council of 16th February, 1917.*—The Reprisals Order in Council of 16th February, 1917, which authorizes the capture and condemnation of vessels which are carrying cargoes to or from countries contiguous to Germany if such vessels have not first called at a British or Allied port for examination, is a valid order according to the principles of international law.

*The Zamora* (1916, 2 A. C. 77), *The Fox* (1811, Edw. 312), and *The Lucy* (1809, 3 Edw. 122) applied.—"THE LEONORA," P.D., 504

## PROBATE:—

1. *Administration—Grant with will annexed passing over executor—Executor not a fit and proper person to take grant—Court of Probate Act, 1857, s. 73.*—Where an executor had absconded from this country and was not a fit and proper person to take a grant of probate, the Court granted letters of administration with the will annexed to a beneficiary under the will, passing over the executor.—IN THE ESTATE OF WILLIAMS, P.D., 309; 1918, P. 122.

2. *Administration—Motion for grant—Applicant a British subject resident in England but domiciled in Germany—German relatives equally entitled to grant—Grant made to applicant.*—The Court will make a grant of letters of administration to a next-of-kin who is a British subject resident in England, though domiciled in an enemy country, with enemy relatives in that country equally entitled to the grant, where no good cause is shown against the application.—IN THE ESTATE OF WOOLF, P.D., 621.

3. *Alien enemy executors—Grant to Public Trustee.*—The deceased was domiciled in Poland, and died leaving real and personal estate in England. The executors and only relative were resident in Poland, occupied by the enemy. It was necessary to deal with the real estate.

The Court made a grant of letters of administration to the Public Trustee, under Court of Probate Act, 1857, s. 73.—IN THE ESTATE OF KREJEWSKY, P.D., 269.

4. *Deceased domiciled in Scotland—Corporation appointed executor—Confirmation of executors in Scotland—Production and sealing of confirmation in Probate Division in England—Effect of probate—Confirmation and Probate Act, 1858 (21 & 22 Vict. c. 56), ss. 9, 12.*—Upon the production of the confirmation of the executors of a person dying domiciled in Scotland, leaving personal estate both in Scotland and England, to the Probate Division in England, in accordance with section 12 of the Confirmation and Probate Act, 1858, the Court must seal and return the confirmation, and cannot refuse to do so, on the ground that one of the executors appointed by the will is a corporation, and that by English law a corporation is not competent to take a grant of probate, but can only take administration by a syndic. The act of sealing is purely of ministerial.

Decision of Coleridge, J. (*ante*, p. 292), reversed.—IN THE ESTATE OF RANKINE, C.A., 352; 1918, P. 134.

5. *Nuncupative will—Testamentary intention necessary.*—In order to obtain probate of a nuncupative will it is necessary to

satisfy the Court that the deceased, when he uttered the words, intended them to be testamentary.—RE DONNER, P.D., 161.

## PUBLIC HEALTH:—

*Sale of herrings—Dispatch to purchaser by rail—Unsoundness on arrival—Rejection by purchaser—"Exposure for sale"—Public Health Act, 1875 (38 & 39 Vict. c. 55), ss. 116, 117.—Public Health Act (Amendment) Act, 1890 (53 & 54 Vict. c. 59), s. 28.*—Under an agreement for the sale of herrings a consignment was sent by the vendor from Hull to the purchaser at Eastbourne, and they were there rejected by the purchaser on the ground of their unfitness for food. In a prosecution against the vendor under section 117 of the Public Health Act, 1875,

Held, that there is "an exposure for sale" within the meaning of that section when goods are sent to the purchaser under such an agreement to sell, and the purchaser may exercise a right of acceptance or rejection under the contract if anything remains to be settled before the property passes to the purchaser.—OLLETT v. JORDAN, K.B.D., 636.

## RATING:—

*Metropolis—Provisional valuation list—No reduction in value—Deletion of entry—Valuation (Metropolis) Act, 1869 (32 & 33 Vict. c. 67), s. 47, 10.*—The appellants were the occupiers of premises in the metropolitan borough of Islington, which, in the quinquennial valuation list made in 1915, were assessed at £8,500 gross and £5,500 rateable value, and in April, 1916, they applied for a provisional list, alleging that the premises were reduced in value. In May, 1916, the premises were inserted in a provisional list at the same figures as before, and in September, 1916, the committee, on objection by the appellants, determined that there was no reduction in value, and that the proper course was to strike the entry out of the provisional list. This accordingly was done. A supplemental list was made in June, 1916, and an appeal against it was pending when the appellants obtained a rule nisi for a mandamus to the committee to deal with the provisional valuation list according to law on the ground that the deletion had deprived them of the right given by s. 47 of the Valuation Act, 1869, to recover the amount of rate overpaid in case the supplemental list as approved and altered on appeal should contain a smaller value than that stated in the provisional list.

Held, that the committee were entitled to strike the entry out and therefore the rule for a mandamus had rightly been discharged.—ROYAL AGRICULTURAL HALL CO. v. ISLINGTON ASSESSMENT COMMITTEE, H.L., 547.

## RECEIVER:—

*Company—Receiver and manager in debenture-holders' action—Acting as manager after date limited by the order—Allowances—Practice—Summons to vary registrar's certificate—Filing of further evidence thereon.*—All items of remuneration of a receiver as manager ought to be disallowed from his accounts by the registrar in winding-up when he acts as such after the termination of the period allowed by the order of the Court fixing the period of his powers of management.

On a summons to vary the registrar's certificate the only evidence admissible is that used before the registrar, and though the Court, under exceptional circumstances, has power to admit further evidence, that power rests with the Court alone, and not with the registrar. Accordingly, where the registrar had under this misconception directed further evidence to be filed, the whole account was remitted to him for reconsideration on the fresh evidence.—RE WOOD GREEN LAUNDRY, *Neville, J.*, 349; 1918, 1 Ch. 423.

## REVENUE:—

1. *Entertainments tax—Dinner and concert—Admission of donors to charitable institutions—Lump sum for admission—Apportionment of duty by Commissioners—Finance (New Duties) Act, 1916 (6 Geo. 5, c. 11), s. 1, sub-section (1).*—Persons termed stewards were selected by the Royal Masonic Institution for Boys to procure donations. At an annual "Anniversary Festival" a dinner and concert were given, and speeches delivered, in the course of the proceedings at which the donations that had been obtained were announced. Each steward contributed to the expense of the festival by a subscription of one guinea if he did not attend, or two guineas if he did attend, one of which went towards the expenses, and the other gave a right to attend the dinner and the concert. A number of stewards who were thus entitled attended both the dinner and the concert, and the Crown claimed entertainments duty at the rate of 2s. per head under section 1, sub-section (1) of the Finance (New Duties) Act, 1916.

Held, that the duty was payable, as the concert was an "entertainment" within the meaning of the Act.—ATTORNEY-GENERAL v. McLEOD, K.B.D., 105; 1918, 1 K. B. 13.

**2. Estate duty—Separation deed—Duty—Incidence—Finance Act, 1894 (57 & 58 Vict. c. 30), s. 8, sub-section (4); s. 9, sub-section (1); s. 14, sub-section (1).**—Where under a separation deed certain shares belonging to a wife were settled upon trust to pay the husband an annuity, and in the events which happened, other annuities, and in the further event, which happened, of the income becoming under a certain amount, on trust to reduce the husband's annuity in a certain manner.

Held, that on the death of the wife, the incidence of the estate duty payable on that event must be adjusted in accordance with section 8, sub-section (4); section 9, sub-section (1); and section 14, sub-section (1), of the Finance Act, 1894, so as to throw the burden of the duty off the husband's annuity on to the interest in respect of which the claim for duty had arisen; so that when the charge for duty on the shares, the subject of the settlement, was removed by the sale of some of the shares to provide for payment of the duty, the interest on which the husband's annuity should be calculated was not the actual interest then received by the trustees, but the interest which would have been received but for this sale.—*RE TATTERSALL, Peterson, J.*, 605.

**3. Excess profits duty—Remuneration of directors—Deductions—Pre-war standard—Discretion of commissioners—Appeal—Finance (No. 2) Act, 1915 (5 & 6 Geo. 5, c. 89), Schedule IV, Part I, cl. 5; s. 45, sub-section (5).**—The discretion of the Commissioners of Inland Revenue is absolute under clause 5, Part I, Schedule IV, of the Finance (No. 2) Act, 1915, in directing whether any, and what, amount of deduction shall be allowed beyond that in the last pre-war trade year, for the purpose of assessing excess profits duty where the remuneration of directors and persons concerned in the management of a business depends on profits; and section 45 of the Act gives no right of appeal against the decision of the Commissioners.—*WILLIAMSON FILM CO. v. INLAND REVENUE COMMISSIONERS, K.B.D.*, 712.

**4. Excess profits tax—Remuneration to managing directors out of profits—Deduction from assessment of the business—Discretion of Commissioners—Finance (No. 2) Act, 1915 (5 & 6 Geo. 5, c. 89), Schedule IV, Part I, par. 5.**—The Commissioners of Inland Revenue disallowed in the assessment of the profits of a company to excess profits tax more than what had been allowed, except a certain sum, in the last pre-war trade year, on account of the remuneration of managing directors who were paid a percentage of the profits of the business.

Held, dismissing the appeal, that it was a matter of discretion for the Commissioners whether more or less should be allowed than in the last pre-war trade year.—*THE KING v. INLAND REVENUE COMMISSIONERS, C.A.*, 120; 1918, 1 K. B. 143.

**5. Excise—Local licences transferred to county and borough councils—Specific authorization for prosecutions for penalties—Revenue Act, 1869 (32 & 33 Vict. c. 14), s. 19—Finance Act, 1908 (8 Ed. 7, c. 16), s. 6.**—County and borough councils under the Finance Act, 1908, and the Order in Council thereunder of 19th October, 1908, are the successors to the Commissioners of Inland Revenue as regards the local licence duties transferred to them by that Act and Order in Council. In prosecutions by Inland Revenue officers under the Excise Management Act, 1827 (7 & 8 Geo. 4, c. 53), and the Inland Revenue Regulation Act, 1890, specific authorization by the Commissioners must be shewn. The county and borough councils have not more extensive rights and powers than the Commissioners, and it is still necessary, in prosecutions by the officers of the councils, to prove the specific authorization of the councils in each case.—*JONES v. WILSON, K.B.D.*, 653.

**6. Income tax—Branch businesses abroad—Annual value of premises—Deduction of, from profits—Income Tax Act, 1842 (5 & 6 Vict. c. 35), ss. 100, 159, Schedule D—Finance Act, 1898 (61 & 62 Vict. c. 10), s. 9.**—For the purpose of an assessment to income tax under Schedule D in respect of the profits of a business carried on in the United Kingdom upon the profits of the branch businesses abroad for a year anterior to the passing of the Finance Act, 1914, the person assessed is entitled to deduct the annual value of such premises as if such premises were situated in the United Kingdom.—*STEVENS v. BOUSTEAD, C.A.*, 211; 1918, 1 K. B. 382.

**7. Income tax—Colonial income tax—Deduction from dividends—Income Tax Act, 1842 (5 & 6 Vict. c. 35), ss. 40 and 54—Finance Act, 1916 (6 & 7 Geo. 5, c. 24), ss. 24 and 43.**—A shareholder is only bound to allow to a company making a deduction for income tax a deduction actually paid by the said company.

*Johnson v. Chestergate Hat Co.* (1915, 2 Ch. 338) followed.

Where a Colonial company paid the Colonial income tax and paid the British tax at 5s., and became entitled to a deduction at 1s. 6d. on payment of the British tax,

Held, that the effect of that relief was that company never paid, or became liable to pay, more than 3s. 6d. British tax, and that was all that they were really entitled to deduct from the shareholder.

Held, accordingly, that a preference shareholder, from whom the company had deducted at the rate of 5s. income tax, was entitled to recover at the rate of 1s. 6d. from them, for if this were not so, and he were a person not liable to British tax at all, he might be permanently mulcted of tax at 1s. 6d. for which he was not liable. The company had deducted 5s. from the preference shares, and 3s. 6d. from the ordinary shares.

Held, that they were not entitled to recoup against the preference shareholders in favour of the ordinary shareholders for the portion of the British tax which they had not paid.—*REVER v. SOUTH AFRICAN BREWERIES, Astbury, J.*, 636.

**8. Income tax—Super tax—Married women—Residence abroad—Income Tax Act, 1842, ss. 41, 45—Income Tax Act, 1853, s. 2—Finance Act, 1910, ss. 66, 72.**—A person, though resident abroad, is liable to pay super-tax in respect of income derived from property in the United Kingdom.

Decision of Atkin, J. (1917, 1 K. B. 61, 115 L. T. Rep. 715), affirmed.—*BROOKE v. INLAND REVENUE COMMISSIONERS, C.A.*, 191; 1918, 1 K. B. 257.

**9. Income tax—Weekly sum payable every Wednesday—Income Tax Act, 1842, s. 102—Income Tax Act, 1853, s. 40.**—A covenant by a husband to pay a fixed sum every Wednesday to a trustee for his wife, under a separation deed is in effect a covenant to pay an annual sum, and the husband is accordingly entitled to deduct income tax.—*RE JAMES, Astbury, J.*, 520.

**10. Land values—Excess mineral rights duty—Accounting year—Pre-war standard of rent—Finance (No. 2) Act, 1915 (5 & 6 Geo. 5, c. 89), s. 43 (1) (2)—Finance Act, 1916 (6 & 7 Geo. 5, c. 24), s. 46 (2).**—Section 43 (1) of the Finance (No. 2) Act, 1915, provides as to the excess mineral rights duty, that where the amount payable to any person as rent in respect of the right to work minerals varies according to the price of minerals and the amount so payable in respect of the accounting year exceeds the pre-war standard of that rent, there shall be paid as duty by that person an amount equal to 50 per cent. of that excess. By section 46 (2) of the Finance Act, 1916, it is declared that the words in section 43 (1) of the principal Act, "Assets of any trade or business," refer only to assets of the person receiving the rent for the right to work minerals, or for the mineral wayleaves." The appellant was the proprietor of minerals which were leased by him to two colliery companies. He was assessed to excess mineral rights duties, and appealed against the assessment on the ground that, the right to work the minerals in question being an asset of a trade or business, the duty was not exigible in respect of it, and that on a sound construction of section 43 (1) of the Finance (No. 2) Act, 1915, the pre-war standard of rent fell to be taken as the average rental actually received in any two out of the three years immediately preceding the war selected by the taxpayer.

Held, that the appellant had properly been assessed by the respondents for each of the years in question (1914 and 1915) on the basis of the pre-war rent values, arrived at by taking the average prices governing the payment of rent in the selected years (1912-1913) and applying these prices to the tonnage worked in each of the accounting years (1914 and 1915).

Per Lord Dunedin: "If the taxing clause of the Act of 1915 is to be operative at all, the words 'having the right to work' must be read as having had the right to give someone else the right to work the minerals."—*MURRAY v. INLAND REVENUE COMMISSIONERS, H.L.*, 547.

#### SALE OF GOODS:—

**Breach of contract—Damages claimed based on loss of profit—Evidence of facts in mitigation—Admissibility.**—The plaintiffs agreed to manufacture, from steel to be supplied them by the defendants, a large quantity of 18-pounder clips required by the defendants to carry out a Government contract. In fact the defendants never supplied the steel, and the plaintiffs claimed damages for breach of contract to take delivery based on the difference between the cost to them of manufacturing and delivering the clips and the contract price. At the trial the defendants' counsel sought to put questions to one of the plaintiffs with a view of shewing that the mills of the plaintiffs were working full time on other contracts as profitable to the plaintiffs as the one now sued on, and that it would have been impossible for them to have made the steel clips for the defendants even if the steel had in fact been supplied them. Bailhache, J., ruled that, having regard to the nature of the contract, such evidence was irrelevant and inadmissible to the issue alone before the Court—namely, the quantum of damages, the breach having been admitted—and gave judgment for the plaintiffs for a sum which included the whole of the claim for loss of profit on the contract relating to the manufacture of the steel clips. The Court of Appeal allowed the defendants' appeal, being of opinion that the witness should not have been stopped, as his evidence might have enabled the defendants



to establish that the plaintiffs had not suffered any substantial loss through the failure of the defendants to supply the steel for the clips. Accordingly a new trial was ordered. Against the order for a new trial the plaintiffs appealed.

Held (Lord Dunedin dissenting), there must be a new trial.—*HALL & SONS v. SHOWELL & SONS, H.L.*, 715.

#### SETTLED LAND :—

*Jointure charged by the settlement—Sale of part of settled property—Power to transfer jointure to unsold portions—Settled Land Act, 1882, s. 5.*—There is nothing in the language of section 5 of the Settled Land Act, 1882 (which deals with the transfer of incumbrances on settled land sold), to limit the beneficial operation of that section to an incumbrance having priority over a settlement under which a sale is made; and the section accordingly applies to an incumbrance which is overreached by the sale, and which attaches to the proceeds of sale.

The views of the text-book writers, as expressed in Wolstenholme's Conveyancing and Settled Land Acts, at p. 383 of the 10th Edition, and Hood and Challis' Settled Land Acts, 6th Edition, at p. 214, are erroneous.—*RE KNIGHT'S SETTLED ESTATES, Neville, J.*, 141; 1918, 1 Ch. 211.

#### SETTLEMENT :—

1. *Covenant by tenant for life to repair—"Good and tenantable repair"—Rule as between landlord and tenant applied—Decorative repairs—Form of reference—Arbitration Act, 1889 (52 & 53 Vict. c. 49), s. 13.*—The rule laid down in *Proudfoot v. Hart* (25 Q. B. D. 42), with regard to what is "good and tenantable repair" as between landlord and tenant, applies to a tenant for life under a covenant to repair in a settlement. The tenant for life, therefore, must put the premises into such a condition as to satisfy a reasonably-minded tenant of the class who would be likely to take them.—*EVANS v. SHOTTON, Eve, J.*, 603.

2. *Dismantling deed—Re-settlement—Tenant for life—Restoration of the life estate—Extended powers under the re-settlement—Tenant for life under the re-settlement—Settled Land Act, 1882 (45 & 46 Vict. c. 38), ss. 2, 20, 38, 40 and 50.*—Where under a re-settlement, A's life estate as tenant for life under the old settlement was restored, and the re-settlement contained extended and enlarged powers,

Held, that A. had not at the same time both his continuing life interest in the larger subject matter of the earlier settlement and a second present life interest in the smaller or more incumbered interest which was the subject matter of the re-settlement.

The case of *Re Cornwallis-West and Munro's Contract* (1903, 2 Ch. 150), as explained in the case of *Re Lord Wimborne and Browne's Contract* (1904, 1 Ch. 537), is still good law.—*RE CONSTABLE'S SETTLED ESTATES, Sargant, J.*, 718.

3. *Trust for sale with consent of tenant for life—Conversion—Election.*—The requirement of the consent in writing of the tenant for life to a sale does not prevent a trust for sale from notionally operating to convert in equity the real estate into personality.

*Re Lord Grimthorpe* (1908, 2 Ch. 675) distinguished.

Where no part of the real estate comprised in a marriage settlement made in 1886 settled on trust for sale, with the consent of the tenant for life, had in fact been sold when the wife made her will in 1908, referring to the "hereditaments, premises, property and estate," comprised in the settlement, and appointed the same under her power therein to her husband, "his heirs, executors, administrators and assigns," and died in 1916, four days after her husband, leaving no issue,

Held, that the wife's will was, in the events which had happened no evidence of an election by her to take the property unconverted, and that it accordingly devolved as personality.

Where property is described in the decisions as being "at home," these words only apply to cases where not an equitable title to the property only, but the whole property, legal and equitable, is vested in the settlor, and not to cases where the legal estate is outstanding in trustees, and accordingly, in this last case, there is no resulting trust to the settlor, as land, but the property passes as personality.

*Pulteney v. Darlington* (1 Bro. Ch. 222) applied.—*RE FENNELL, Neville, J.*, 103; 1918, 1 Ch. 91.

See also Capital and Income; Merger.

#### SHIPPING :—

1. *Carriage of goods—Traders' goods carried on transport—Bill of lading—Exemption of King's enemies—Loss of goods from excepted clause—Deviation from voyage—Main object and intent of contract—User of vessel as a military store or warehouse.*—The Government agreed to carry the goods of a trader from Australia to London via ports subject to Government requirements, the ship having been requisitioned for Government service. The bill of

lading contained an exception that the Crown was not to be liable if the cargo was lost owing to the act of the King's enemies. After leaving Melbourne with troops for the Australian Expeditionary Force, which was then operating in the Gallipoli peninsula, the steamship was used as a store or warehouse at Imbros and Mudros for supplying frozen meat as required for the troops, which was given out day by day. When the ship was proceeding from Mudros to London she was torpedoed and all her cargo was lost. A petition of right was presented by the owners of the goods claiming damages in respect of their loss.

Held, that the suppliants were entitled to recover. The bill of lading did not give the Government the right to detain the ship for use as a store or warehouse, which was a purpose wholly foreign to her employment as a means for the carriage of the goods, amounted to an unauthorized "deviation," and therefore the exception clause did not apply.

*Glynn v. Margetson* (1893, A. C. 351) and *James Morrison & Co. (Limited) v. Shaw, Savill, and Albion Co. (Limited)* (1916, 2 K. B. 783) approved and followed.—*ATTORNEY-GENERAL v. B. SMITH & Co., H.L.*, 701.

2. *Charter-party—Construction—Freight payable on "dead weight" capacity—Specific cargo mentioned in charter-party—Lower cubic carrying capacity of vessel.*—A clause in a charter-party guaranteed the ship's dead weight capacity to be a certain number of tons, and stipulated that freight was to be paid upon that quantity. The charter-party provided that the vessel should load a full and complete cargo of maize, but it was found that the cubical carrying capacity of the ship was not sufficient to enable that tonnage weight of maize to be put on board. The charterers sued for a return of the freight paid on the excess weight of the cargo which the vessel could not carry.

Held, that the "dead weight" capacity referred to the ship's abstract lifting capacity, and that the mere mention of the nature of the particular cargo in the charter-party did not warrant the combined lifting and carrying capacity in respect of that cargo.—*MILLAR & Co. v. "FREDEN," C.A.*, 307; 1918, 1 K. B. 611.

3. *Charter-party—Monthly hire payable in advance—Provision for cesser of hire in certain events—Termination of hiring—Construction of clause in charter-party.*—A charter-party contained a clause that the charterers (the plaintiffs) should pay as hire for the steamer £2,275 per calendar month and *pro rata* for any fractional part of a month (the days to be taken as fractions of a month of thirty days) until her re-delivery to owners, payments of hire to be in cash monthly in advance. There was also a clause providing that in certain events the hire should cease until the ship should again be in an efficient state to resume her service.

The charterers paid a month's hire in advance from 7th November to 7th December. During part of that time the vessel was out of service in dry dock, and remained so until after the date for the expiry of the term of hire had been reached, when she was chartered by third parties. The plaintiffs claimed that there was an over-payment of hire and claimed repayment in respect of six teen days.

Held, that the contract of hire was not at the rate of so much per day, but it was a fixed sum per calendar month, payable in advance, and the defendants were liable to pay back the amount claimed.

Decision of *Bailhache, J.*, affirmed.—*STEWART & Co. v. VAN OMMEREN, C.A.*, 739.

4. *Collision—Charter-party—"Consequence of warlike operations"—Absence of navigation lights—Full speed—Admiralty orders.*—A steamship was chartered by the Government and taken into Admiralty service upon the terms of a charter-party, which provided that the Admiralty should not be held liable if the vessel was lost by various causes enumerated, including collision "or any other cause arising as a sea risk," but accepted all "consequence of hostilities or warlike operations." While engaged in the evacuation of troops from Gallipoli the vessel was ordered to proceed at full speed without lights showing for a certain destination, and while doing so was sunk by collision with an Allied battleship, also steaming under orders without lights.

Held, that the vessel was lost as a consequence of warlike operations, and that the Admiralty was therefore liable.—*BRITISH AND FOREIGN STEAMSHIP Co. v. THE KING, C.A.*, 701.

5. *Mortgage—Transfer—Registration—Registrar's fees—Merchant Shipping (Mercantile Marine Fund) Act, 1898 (61 & 62 Vict. c. 44), s. 3, First Schedule.*—Under a trust deed for securing an issue of debenture stock, a shipping company, owners of British ships registered at Plymouth, created and registered in the names of three trustees first mortgages over their ships and shares of their ships, each mortgage being registered at that port. One of the trustees having died, a new trustee was appointed to act jointly with the survivors. The mortgages were duly indorsed by

the two surviving trustees with their names and that of the new trustee. Upon presentation of the indorsements the Registrar claimed fees for registering them as transfers of mortgages under section 3 of the Merchant Shipping (Mercantile Marine Fund) Act, 1898, and the First Schedule thereto.

Upon a petition of right to recover the fees paid under protest—Held, that section 3 of the Act of 1898 and the First Schedule must be read together, and as the schedule extends "mortgage or transfer" in the section to mean "transfer of mortgage," the Registrar was entitled to the fees for registering the transfers of mortgages.—*RE NEW ZEALAND SHIPPING CO., K.B.D., 249; 1918, 1 K. B. 346.*

6 *Salvage—Tug—Admiralty requisition—Hire on gross basis—Change to net basis—Demise of vessel to Crown—Salvage award—Claim by Admiralty—Ship "belonging to His Majesty"—Merchant Shipping Act, 1894 (57 & 58 Vict. c. 60), s. 557—Merchant Shipping Act, 1916 (6 & 7 Geo. 5, c. 41), s. 1.*—The Admiralty in August, 1914, requisitioned certain tugs belonging to the defendants, and employed them under the Admiralty Charter Party known as T.90. The terms of the hire at first were on a gross basis, but in September, 1916, it was changed by correspondence between the Admiralty and the owners to a net basis. In January, 1917, the tug rendered salvage services to a vessel, and the owners were awarded £4,500 in an arbitration.

Held, on a claim to that sum by the Admiralty, that the owners were liable for it to the Admiralty, as the change from the gross to the net basis effected a demise of the vessel to the Admiralty, who were therefore entitled to payment for salvage services, although, when the change was made, the owners did not know what the effect of it would be upon salvage services.—*ADMIRALTY COMMISSIONERS v. PAGE, K.B.D., 682.*

7. *Time charter-party—Exception of "restraint of princes"—Prohibition by foreign Government—Ship or cargo outside the foreign country—Liability of owner or master to penalties.*—Under a time charter-party made according to English law, a Swedish vessel was hired for voyages outside Sweden. Regulations of the Swedish Government prohibited such voyages, and there was in the charter-party an exception of the "restraint of princes." The ship being in England, the owners refused to allow her to go on a voyage to Italy.

Held, that there may be a restraint of princes where the restraint operates, and can only operate, upon the owner or master by rendering them liable to penalties, fine or imprisonment, and if the owner or the master is within the jurisdiction of the foreign Government by whose law the performance of a particular contract is illegal.—*FURNESS & CO. v. REDERIAKTIEBOLAGET BANEQ, K.B.D., 25; 1917, 2 K. B. 873.*

See also Prize Law.

#### SOLICITOR:—

1. *Action—Want of authority—Liability of client for costs—Solicitors Act, 1860 (23 & 24 Vict. c. 127), s. 28.*—Where trustees retained one solicitor A. and he, without their authority, employed another solicitor B. to act as solicitor, but B. was never entered on the proceedings as the trustees' solicitor.

Held, (1) that there was no contract between B. and the trustees for rendering service on his part nor payment on theirs, and that he had no authority to commence an action as solicitor, and accordingly no right to sue for costs incurred by him in the matter. *Wray v. Kemp (1884, 26 Ch. D. 169) applied.*

(2) That B. could not have obtained a charging order under section 28 of the Solicitors Act, 1860.

(3) That *Hall v. Laver (4 Y. & C. 216)* is not authority for saying that the trustees cannot take the benefit of the proceedings.—*RE BECKETT, Peterson, J., 365.*

2. *Costs—Bill—No application to tax during twelve months—Action on bill—Application for judgment under order 14—Leave to defend—No special circumstances—Objection to certain items as unreasonable—Right to taxation.*—A signed bill of costs was delivered by a firm of solicitors. The client did nothing for more than twelve months, and the solicitors applied for judgment under order 14 for the amount of the bill. Before the district registrar the client asked to have the bill taxed, but that was refused, and leave given to sign final judgment for £64 1s. 3d., the amount claimed. On appeal to the judge in chambers, the defendant's affidavit alleged that the charges were unreasonable, and, in particular, he objected to three items. The Judge dismissed the appeal. The defendant appealed. There were no special circumstances entitling the defendant to taxation under section 37 of the Solicitors Act, 1843.

Held, that where a client who has allowed twelve months to pass without attempting to have a bill of costs taxed, is nevertheless able, when sued on the bill, to shew a plausible objection to particular items as being unreasonable or excessive, he is entitled to have

leave to defend as to the special items only, such leave being granted him under the general jurisdiction of the Court. In the present case the affidavit did not set out any reasonable grounds of objection to the items challenged, and therefore leave to defend had rightly been refused.

*Re Park (41 Ch. Div. 326)* explained and applied.—*JONES v. WHITEHOUSE, C.A., 604.*

3. *Professional misconduct—Appeal against order striking off rolls—Reduction in punishment by Court of Appeal.*—A solicitor was reported by a committee of the Law Society for professional misconduct, consisting in inducing a man, who called upon him for the purpose of being sworn to documents for obtaining letters of administration, to give him a retainer without informing him what it was, in keeping all the papers, and using them, with altered particulars and substituted sureties, to obtain a grant of administration. The charges having been proved, the Divisional Court struck him off the rolls.

The Court of Appeal held the punishment was excessive, and reduced it to suspension for a period of five years.—*RE A SOLICITOR (H. H. JENNENS), C.A., 351.*

4. *Solicitor and client—Compromise of action—Authority of solicitor.*—After a writ has been issued in an action, the solicitor of a party has an implied authority to compromise the action, and no limitation on such implied authority avails the client as against the other side unless such limitation has been brought to the notice of the other side.—*WELSH v. ROE, K.B.D., 269.*

5. *Trustee—Profit costs—Insufficient estate—Legacy—Abatement.*—Where the estate of the testator is solvent, but is insufficient to pay the legacies in full, the profit costs of a solicitor given to him by the will of which he is appointed executor and trustee do not take priority over the other legacies, but must abate proportionally.

*Re White, Pennell v. Franklin (1898, 2 Ch. 217)* applied.—*RE BROWN, WACE v. SMITH, Eve, J., 487.*

#### STATUTORY ORDERS:—

*Time of coming into operation—Food Controller's orders—Beans, Peas and Pulse (Requisitions) Order, 1917.*—The Food Controller, by an Order dated 16th May, 1917, directed that all cargoes of beans, peas and pulse which had arrived, or should thereafter arrive, in the United Kingdom should be placed and held at the disposal of the Food Controller.

A cargo of beans arrived in London on 13th May, 1917, and on 16th May the plaintiff, under a contract dated 18th April, 1917, for a part of it, was given a delivery note, and he paid the invoice price. The Order was announced in the daily newspapers on the morning of 17th May, and the public were not aware of it earlier. The plaintiff claimed that under this Order the defendants could not give delivery, that there was a total failure of consideration under the contract, and that it should be cancelled.

Held, that the day on which the Order came into operation, was that on which it was made known to the public, 17th May, and not, as would have been the case with an Act of Parliament, on 16th May, on the first moment after midnight of 15th May; and that therefore the plaintiff was not entitled to have the contract cancelled.—*JOHNSON v. SARGANT, K.B.D., 88; 1918, 1 K. B. 101.*

#### STOCK EXCHANGE:—

*Annual re-election of members—Exclusion of British subject of enemy birth—"Eligibility"—Discretion of committee—National interest.*—A rule of the Stock Exchange provided that the committee for general purposes should, on a particular day in each year, proceed to re-elect such members and admit such candidates as they should deem eligible to be members of the Stock Exchange for one year. The plaintiff, a British subject born in Germany, had been a member for over twenty years; but, objection having been taken to his re-election on the ground of his enemy birth, the committee refused to re-elect him.

Held, affirming decision of Astbury, J. (*ante*, p. 404), that the committee, having an absolute discretion as to whom they should deem eligible for re-election, and having honestly and legally come to the conclusion to which they did, the Court had no power or jurisdiction to interfere with their decision.—*WEINBERGER v. INGLIS, C.A., 450; 1918, 1 Ch. 133.*

#### TENANT FOR LIFE:—

*Right to deeds—Duties—Legal estate in trustees of settlement—Equitable remaindermen's right to have the documents for accounting to the revenue.*—An equitable tenant for life who was absolutely entitled to the property, subject only to a jointure in favour of his mother, was held entitled to have the documents of title handed over to him by the trustees, on his giving an undertaking not to part with them pending the settlement of the duties payable on the decease of the deceased tenant for life, which duties he was the person ultimately liable to pay.

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*Re Wythes, West v. Wythes* (1893, 2 Ch. 369), applied.—*Re DODD, Younger, J.*, 451.

See also Capital and Income; Settlement; Will.

**TRADE-MARK :—**

*Motion to rectify register—Common words—"Regimental"—Mark originally not registrable—Valid after seven years' registration—"Disentitled to protection in a court of justice"—Trade Marks Act, 1905 (5 Ed. 7, c. 15), ss. 11, 35, 41.—Under the Trade Marks Act, 1905, s. 41, a trade-mark is to be valid in all respects after the lapse of seven years from the date of registration, unless it was obtained by fraud or offends against section 11 of the Act, and under section 11 it is unlawful to register any matter the use of which would, by reason of being calculated to deceive, or otherwise, be disentitled to protection in a court of justice.*

Held, that the word "Regimental" as a trade-mark applicable to cigarettes could not be removed from the register under section 11 after being on it for seven years merely on the ground that it might not contain the essential elements prescribed by section 9. Section 11 must be read as being independent of and supplemental to section 9 of the Act, and not directed to the matters therein dealt with.

Decision of Astbury, J. (*ante*, p. 422), in part reversed.

*J. Wigfull & Sons (Limited) v. J. Jackson & Son (Limited)* (1916, 1 Ch. 213) overruled.—*Re IMPERIAL TOBACCO'S TRADE-MARKS, C.A.*, 602.

**TRADING WITH THE ENEMY :—**

1. *Company—Winding-up—Trading with the Enemy Amendment Act, 1916 (5 & 6 Geo. 5, c. 105), s. 1, sub-section (7)—Appearance of company on petition to wind up.—On the hearing of a petition by the Board of Trade to wind up a company under section 1, sub-section (7), of the Trading with the Enemy Amendment Act, 1916, where the Board of Trade have previously made an order under section 1, sub-section (1), and appointed a controller, it is very desirable that the company should be represented.—Re POLACK TYRE Co., Younger, J.*, 68.

2. *Enemy business being wound up—Controller—Consent of Board of Trade to action by employee of business to enforce agreement for hire of services.—Where an enemy business is being wound up under the Trading with the Enemy (Amendment) Act a servant of the enemy business, with a contract of service, is under no obligation to obtain the consent of the Board of Trade before commencing his action against the company to enforce that contract for services. The "steps" referred to in section 1, sub-section (7), of that Act refer to "steps" in the nature of bankruptcy proceedings, a petition to wind-up, or any step changing the legal status of the business or individual.*

The decisions under the Courts (Emergency Powers) Act, 1914, in *Re Farnol, Eades, Irvine & Co.* (1915, 1 Ch. 22) and *Ness v. O'Neil* (1916, 1 K. B. 706) are analogous, and can be applied here.—*Holt v. A. E. G. Electric Co., Younger, J.*, 212; 1918, 1 Ch. 320.

3. *Enemy-controlled company—Business directed to be wound-up—Controller—Power to distribute surplus assets—Trading with the Enemy Amendment Act, 1916 (5 & 6 Geo. 5, c. 105), s. 1 (3).—The Board of Trade has no power to direct a controller appointed under the Trading with the Enemy Amendment Act, 1916, to distribute assets in his hands, so far as they are not required for payment of the debts of the business and the costs of the winding-up among the shareholders of the company.—Re MEYERS SOHN (LIMITED), C.A.*, 120; 1918, 1 Ch. 169.

4. *Winding-up by Board of Trade—Claim for future rent—Trading with the Enemy (Amendment) Act, 1916 (5 & 6 Geo. 5, c. 105), s. 1, sub-section (3).—The completion of the winding-up of a business under the Trading with the Enemy Amendment Act, 1916, does not extinguish, or necessarily affect, the liability of the owner of the business to his lessor under the covenants of the lease of his premises.*

A claim to future rent is not a present debt or liability within the meaning of sub-section 3, of section 1, and is not a claim which the controller is required to recognize; but the controller should offer the lessor fair terms of surrender, and, if not accepted, the lessor should be left to his legal rights against the lessee.—*Re DIECKMANN, Younger, J.*, 270; 1918, 1 Ch. 331.

**TRESPASS :—**

*Exclusive possession—Leave and licence.—Sheep belonging to the defendant wandered on several days from their own field into an adjoining turnip field, the crop of which had been bought by the plaintiff, and injured the turnips. On the day before the first visit the gate between the fields had been left open by the plaintiff himself, and some of the sheep had thereby found out the turnips.*

In the contract for purchase of the turnips there was a proviso that the plaintiff should feed half the crop on the land.

Held, that the plaintiff had exclusive possession of the turnip field, and could maintain the action. (2) That leaving open the gate on the first day amounted to leave and licence for that day, but did not apply to the subsequent days.—*WELLAWAY v. COURTIER, K.B.D.*, 161; 1918, 1 K. B. 200.

**TRUSTEE :—**

1. *Accounts—Further consideration—Trustee ordered to pay costs.—Where a trustee had taken a wrong view of his position towards his cestui que trust, and had put him to expense and delay by an indefensible course of conduct in the taking of an account, and the result of the taking of the account was unfavourable to the trustee,*

Held, that the Court must not only deprive the trustee of the costs of taking the account, but must order him to pay them.

*Re Skinner* (1904, 1 Ch. 219) explained.—*Re HOLTON, Sargant, J.*, 403.

2. *Appointment of bank as sole judicial trustee—"Person"—Remuneration—Judicial Trustees Act, 1896 (59 & 60 Vict. c. 35), s. 1, sub-section (1).—A bank may be appointed a sole judicial trustee, with remuneration, under the section dealing with the appointment of "a person" under the Judicial Trustees Act, 1896.—Re COHEN, Peterson, J.*, 682.

3. *Breach of trust—Personal security—Promissory note—Neglect to recover—Policy of insurance—Omission to obtain surrender value—Measure of damages—Trustee Act, 1893, Amendment Act, 1894 (57 & 58 Vict. c. 10), s. 4.—Part of a trust estate consisted of a promissory note which the trustees were authorized to retain. The promisor died and one of his executors was one of the trustees of the settlement.*

Held, that the trustees were not liable for breach of trust in continuing to hold the promissory note.

Where trustees neglected to obtain the surrender value of a policy, but purchased Consols for the trust to satisfy the loss,

Held, that the trustees were liable to make good to the trust the difference between the amount paid for the Consols and the surrender value.—*Re GODWIN'S SETTLEMENT, Eve, J.*, 729.

4. *Investment—Capital sum sufficient to produce fixed income—Trustees' discretion—Refusal to exercise discretion—Rule of Court to invest in Consols.—Where a trust has been created for the investment of sufficient money to produce a given income, and the trustees are given a discretion as to the investment thereof, which they decline to exercise, and then apply to the Court for its direction, the Court cannot exercise any discretion in the matter, but is bound to direct investment in Consols, as being the Government investment offering the most permanent security, and the least likely to be redeemed.*

*Prendergast v. Prendergast* (1850, 3 H. L. C. 195) applied.

Decision of Astbury, J. (*ante*, p. 87), reversed.—*Re HOLLINS, C.A.*, 403; 1918, 1 Ch. 503.

5. *Investment—Discretion—Power to vary—As trustees "may think fit"—Unauthorized investments—Trust to convert—Liberty to retain.—A testator directed his trustees to sell and convert into money his estate "and invest the residue of the said moneys with power for my trustees from time to time to vary such investments as they may think fit." The estate included unauthorized investments.*

Held, that the words "as they may think fit" applied only to the power to vary and not to the power to invest, but liberty was given to the trustees to retain the unauthorized investments for the duration of the war and six months afterwards.—*Re HAZELDINE, Eve, J.*, 350; 1918, 1 Ch. 433.

6. *Misappropriation—Insolvency—Declaration of trust—Revocable or irrevocable—Fraudulent conveyance—13 Eliz. c. 5—Deeds of Arrangement Act, 1914, s. 1.—The solicitor to a trust misappropriated the trust fund and subsequently signed a secret declaration of trust stating that he had appropriated property of his own in mortgage to the defendants to meet the liability. He died insolvent, and the beneficiaries now claimed to redeem the mortgage.*

Held, that they were entitled to do so.—*RADCLIFFE v. ABBEY ROAD AND ST. JOHN'S WOOD BUILDING SOCIETY, Eve, J.*, 667.

7. *Transfer by one of two proving executors to Public Trustee—Form of summons—Public Trustee Act, 1906, s. 6 (2).—The form of summons on p. 2284 of the Annual Practice, 1918, pursuant to section 6, sub-section (2), of the Public Trustee Act, 1906, is erroneous, and should be altered as set out in the judgment below and the order made thereon should be as set out below.—Re SYMES, Neville, J.*, 403.

## VENDOR AND PURCHASER:—

*Open contract to purchase land—Action for specific performance—Decree in favour of vendor—Inquiry as to title—Objections raised by purchaser—Evidence of purchaser's knowledge of defects prior to signing contract—Omission by vendor to give such evidence at the trial.—Upon an inquiry as to title under an ordinary decree for specific performance of an open contract to purchase land, the vendor is not entitled to adduce evidence to show that the purchaser, when he entered into the contract, knew of the existing incurable defects in the title. Such evidence must be given at the trial.*

So held, allowing the appeal, and restoring the decision of the Vice-Chancellor of the County Palatine of Lancaster.—*McGRORY v. ALDERDALE ESTATE CO., H.L.*, 518.

## WAR:—

1. *Contract—English and German parties to partnership an agency—Dissolution of partnership—Termination of agency—Preservation of enemy rights of alien enemy in partnership property.—The plaintiffs were an English limited company trading in Manchester. The defendants were a German company. On the outbreak of the war between this country and Germany, the plaintiffs sought to have it declared that their partnership and appointment as sole agents in Great Britain for the sale of the defendants' machines under an agreement of 1906 were at an end, and that the defendants' interest in the partnership ceased as from 4th August, 1914.*

The defendants admitted that the agency and partnership were ended, but they contended that they were entitled to a share of the profits made by the plaintiffs after the dissolution of the partnership, attributable to the use of the partnership machinery and also of their share of the capital by the English company.

Held, that as the answer to the defendants' contention depended not on contract, but on property, and as it was not the law of their country that the property of enemy subjects was confiscated, the defendants' right to have it back was merely suspended during the war. The defendants were therefore entitled to some allowance on the profits, in lieu of interest on the value of the machinery, attributable to the use by the English partner of the German partners' share in the capital of the business.

Decision of the Court of Appeal (61 SOLICITORS' JOURNAL, 146; 1917, 1 K. B. 842) affirmed.—*HUGH STEVENSON & SONS v. AKTIENGESELLSCHAFT, &c., H.L.*, 290; 1918, A. C. 239.

2. *Contract—Mobilization of teacher—Promise to keep post open—Local Government (Emergency Powers) Act, 1916 (6 Geo. 5, c. 12), s. 1 (1) (2).—A teacher who was a Territorial soldier, was appointed to a post as teacher just before the outbreak of war, but was mobilized on its outbreak; and, accordingly, could not take up his work. Later, the secretary of the local education authority who had appointed him wrote to him, saying that the authority would pay to their employees in the services the difference between their pay and their salaries, and this was done for a long time. The authority, being short of teachers, subsequently applied for this man's release, but the application was refused, and, accordingly, they gave him the proper notice terminating his employment. He then commenced an action claiming a declaration that he was still in their employ, and asking for arrears of salary.*

Held, that there was no binding contract or promise by the authority to retain him in their employment during the war or to keep his post open, or to make payments on account of his salary, and no consideration for such a contract.

The cases of *Davies v. Rhondda Urban District Council* (87 L. J. Ch. 166, 117 L. T. Rep. 622) and *Budgett v. Stratford, &c., Society* (32 T. L. R. 378) were inapplicable, being cases of the employees taking up military service on the faith of a promise.

Section 1 (2) of the Local Government (Emergency Powers) Act, 1916, does not make such a promise a binding contract, but only makes the promise *intra vires* the authority making it.—*SANDERSON v. WORKINGTON BOROUGH COUNCIL, Younger, J.*, 535.

3. *Local authority—Employee joining Army—Continuance of civil pay—Resolution—Contract—Local Government (Emergency Provisions) Act, 1916 (6 & 7 Geo. 5, c. 12), s. 1.—Held, that the defendant local authority, having offered by resolution to continue to pay a certain proportion of his salary to the plaintiff then in their employ on his volunteering to serve in His Majesty's forces during the war, the contract created by the acceptance of the offer was binding on and enforceable against the defendants by the provisions in section 1 of the Local Government (Emergency Provisions) Act, 1916.*

Held, further, that, whether the offer when made was in fact *ultra vires*, it was made *intra vires* by the above Act, which was passed to secure the fulfilment of such promises by employers to employees who enlisted.—*DAVIES v. RHONDDA URBAN COUNCIL, C.A.*, 69.

4. *Requisition of vessel by Admiralty—Charter-party T.99—Indemnity against war risks—Imminent peril from mines—Salvage—Admiralty contribution.—A vessel was requisitioned by the Admiralty on the terms of undertaking risks from war perils only. The vessel became disabled by the loss of her propeller whilst she was between two German minefields, and was being driven by wind, tides and sea towards one of the minefields, when salvage services were rendered to her by another vessel, which towed her into port. The Admiralty denied liability to contribute to payment for salvage on the ground that the vessel had not been rescued from a war peril.*

Held, that the vessel having been saved from an imminent risk of drifting on to the minefield, although she had not actually drifted thereon, the Admiralty was liable under its contract to contribute a proportion of the sum paid for salvage services.—*PYMAN CO. v. ADMIRALTY, K.B.D.*, 291; 1918, 1 K. B. 480.

See also Contract; Defence of the Realm; Emergency Legislation; Prize Law; Trading with the Enemy.

## WATER:—

*Interference with natural course of stream—Excessive rainfall—Flooding—Damage—Dammum fatale—Liability.—The appellant corporation in the course of laying out a public pleasure ground in 1908, known as the Lady Alice Park, in order to make a paddling pond for children, diverted a stream by damming up its natural channel, which flowed through the site of the park into the town of Greenock, and thence into the sea. A storm of rain of extraordinary violence occurred on 5th August, 1912, in the district, causing the pond to overflow, and a great volume of water which would have been carried off by the stream in its natural course without mischief poured down a highway into the town, and undermined and displaced a retaining wall the joint property of the respondent railways. In actions by the railway companies claiming damages, the corporation denied that the damage to the station was caused by the overflowing of the pond, and pleaded that the extraordinary rainfall was a *dammum fatale* for the consequences of which they were not liable.*

Held, that a person who interferes with the alveus of a stream must so work as to make the proprietors or occupiers on a lower level as secure against injury by flooding as they would have been had the natural course of the stream not been interfered with. If the works substituted for the natural channel prove inadequate to carry off the water brought down even by extraordinary rainfall, he is liable. Such damage is not in the nature of *dammum fatale*, but is the natural result of the obstruction of the water course followed by heavy rain.

*Kerr v. Earl of Orkney* (1857, 20 D. 298) applied.

*Nichols v. Marsland* (1857, 6 L. R. 10 Ex. 255, 2 Ex. D. 1) distinguished.—*GREENOCK CORPORATION v. CALEDONIAN RAILWAY CO. H.L.*, 8; 1917, A. C. 556.

## WILL:—

1. *Charitable bequest—Failure—Cy-près doctrine.—Where a testatrix bequeathed a cottage with a sum of money to her trustees to offer it to a certain corporation for a home of rest for clergy, and if the corporation did not accept it, then to offer it to any other society who would use it as a home of rest for ladies or gentlemen of limited means, and by reason of the inaccessibility of the cottage and the smallness of the sum of money no corporation could be found by the trustees to accept it.*

Held, on an application by the trustees for directions, that there was no indication of a general intention of charity, and the *cy-près* doctrine could not be applied, nor a scheme directed; but that, the particular purpose having proved impossible of performance, the gift accordingly failed, and the property passed as residue.

*Re Wilson* (1910, 1 Ch. 314) applied.

*Chamberlayne v. Brochet* (1873, 8 Ch. App. 206) distinguished.—*RE PACKE, Neville, J.*, 488; 1918, 1 Ch. 437.

2. *Charitable bequest—Superstitious uses—Bequest for masses.—The law has been settled for close upon a century that a bequest for masses for the dead is void.—RE EGAN, C.A.*, 728.

3. *Construction—Accumulations—Provision for raising portions—Accumulations Act, 1800 (39 & 40 Geo. 3, c. 98), s. 2.—The proviso excepting provisions for "raising portions" for children from the operation of the Accumulations Act, 1800, commonly called the Thellusson Act, points to the creation of a subsidiary fund out of and less than the total fund comprising the original fund and its accumulations, and, accordingly, when the direction is one the effect of which is to hand over the settled fund, with the accumulations, to the legatee, it comes within the mischief aimed at by the Act.*

The principle of *Watt v. Wood* (2 Dr. & Sm. 56) applied. *Middleton v. Lock* (1 Sm. & G. 61) is not reconcilable with the other cases.—*RE ELLIOTT, Sargent, J.*, 353; 1918, 2 Ch. 150.



4. *Construction—Annuity given free of super tax—Other income of the annuitant—Apportionment of the tax.*—A testator by his will gave an annuity to his wife of £4,000, free of duty, and of income tax, super tax, or any other tax or impost of that nature, to the intent that she should receive the £4,000 net per annum. The wife had a separate gross income of her own, unconnected with the will, of £1,637 a year.

Held that super tax must be charged rateably as between the outside income on the one hand and the £4,000 on the other hand; and, accordingly, that the residue of the estate must bear such proportion of the total super tax payable by the wife as the sum of £4,000 with income tax added bears to the total amount of the assessment for the purposes of super tax.—*RE BOWRING, Sargant, J.*, 729.

5. *Construction—Death duties—Legacies given free of legacy duty—Direction to pay "my death duties" out of residue—Specific devise—Succession duty.*—Where a testator stated in his will "the following legacies I give free of legacy duty, which is to be borne by my residuary estate," and then proceed to leave numerous pecuniary and specific legacies to various persons other than his sister, and then devised and bequeathed his property at Woldingham to his sister, and his residue to his trustees on trust to sell and pay, *inter alia*, his death duties, and the residue to certain residuary legatees.

Held, applying the wide definition of death duties in certain Finance Acts, and the construction put upon those words in the cases of *Re Cayley* (1904, 2 Ch. 781) and *Re Kennedy* (1916, 2 Ch. 379), that the words "death duties" must here be taken to include succession duty, and that the earlier provision as to payment of legacy duty was redundant.—*RE HAMPTON, Astbury, J.*, 585.

6. *Construction—Gift of "a clear annuity of £2,000"—Whether free of income tax.*—A testator by his will, after directing that all legacies and annuities thereby bequeathed should be paid free of estate, settlement estate, legacy or succession duty becoming payable thereon, directed his trustees out of the income of his residuary estate to pay to his wife "a clear annuity of £2,000."

Held, affirming decision of *Eve, J.* (*ante*, p. 121), that the wife was not entitled to the annuity free of income tax.

*Re Saillard, Pratt v. Gamble* (1917, 2 Ch. 401) applied.—*RE LOVELESS, C.A.*, 470; 1918, 1 Ch. 1.

7. *Construction—Gift of residue—"Issue"—Issue to take "mother's share"—Gift over—Substitutionary gift—Ambiguity in original gift—Unambiguous words in gift over.*—Where the word "issue" is used in its more extended meaning in a gift over, that more extended meaning is to be carried back to the original gift, even though the word issue is there used in collocation with parents. Ambiguous words in the original gift should be construed so as to agree with unambiguous words in the gift over.—*RE SWAIN, Eve, J.*, 308; 1918, 1 Ch. 399.

8. *Construction—Gift to such of his three sons "as shall obtain the age of twenty-five years."*—Where a testator left his residue to such of his three sons, A., B., and C., "as shall attain the age of twenty-five years," and A. was born on the 22nd day of July, 1891, and died of wounds received in action on the 21st day of July, 1916,

Held, that A. had attained a vested interest under the will, as the law took no cognizance of parts of a day.

*Anon* (1 Salk. 44) and *Sir Robert Howard's case* (2 Salk. 625) followed.

*Dictum* of Lord Blackburn in *Letterstedt v. Broers* (9 A. C. 371) explained.—*RE SHUREY, Sargant, J.*, 246; 1918, 1 Ch. 263.

9. *Construction—Gift to wife for life or until re-marriage—Gift over to children living at death of testator and his wife—Event of re-marriage not referred to in gift over—Class of children to take on re-marriage.*—Where on the whole will of a testator an intention could be gathered that on the re-marriage of his widow his property was at once to become divisible, and the will contained a gift to the wife for life or until re-marriage but the gift over to the children living at the death of the testator and his wife, the event of her re-marriage not being dealt with therein,

Held, that on the re-marriage of the widow the class to take were the children of the testator living at the time of re-marriage.—*RE WARNER, Sargant, J.*, 159; 1918, 1 Ch. 368.

10. *Construction—Legacy to trustees in trust for legatee for life with remainder to his issue—Destination of legacy on death of legatee.*—The principle enunciated in the cases of *Lassence v. Tierney* (7 Mac. & G. 551) and *Hancock v. Watson* (1902, A. C. 14) that where there is an absolute gift to a legatee in the first instance, and trusts are engrafted or imposed on that absolute interest which fail, then the absolute gift takes effect so far as the trusts have failed to the exclusion of the residuary legatee or next of kin, applies to the case where the legacy is bequeathed to

trustees in trust for the legatee, and not directly to the legatee himself.—*RE HARRISON, Younger, J.*, 568; 1918, 2 Ch. 59.

11. *Construction—"Moneys on my current account at my death"—Deposit account only—Evidence dehors the will.*—Where a testatrix had never had a current account at a bank, but only a deposit account, and bequeathed to her niece all the moneys standing to her credit on her "current" account,

Held, that proper external evidence was admissible as to what the testatrix was referring to by her words "my current account" and that on such evidence being tendered, showing the custom as between her bankers and herself, the gift in fact passed the moneys on her deposit account, which accordingly did not sink into residue.

*Higgins v. Dawson* (1902, A. C. 1) applied.—*RE YEAB, Astbury, J.*, 159.

12. *Construction—Sum to bring in up to £100 a year—Basis of investment—War Loan or Consols.*—The Court can exercise a discretion as to what Government securities "a sum to bring up to £100 a year" should be invested in, and is not tied down to investing that sum in Consols, or making a calculation on the basis of an investment in Consols.

*Prendergast v. Prendergast* (1850, 3 H. L. C. 195) must now be read in the new circumstances caused by the diversity of Government securities.

In the present case investment in War Loan was sanctioned.

*Re Hollins, Hollins v. Hollins* (62 SOLICITORS' JOURNAL, 87), applied.—*RE MARSH, Sargant, J.*, 141.

13. *Construction—Tenancy in common or joint tenancy—Gifts in joint tenancy—Gift over of share.*—Where a testator gave all his rents to his wife for life, and after her death bequeathed certain specific property part thereof to his three grandchildren A., B. and C., subject to their mother (his daughter) having power to receive the rents thereof in certain circumstances, "but in the event of the death of either of the three children, their, his or her share to go to the survivors," and there was a further gift in an event which did not happen, and the testator's wife died in 1892 and one grandchild died in 1894, and his daughter died in 1916.

Held, (1) that the gift over did not take effect on the death of a grandchild in the life of his or her mother, but was confined to death during the life of the testator's widow. (2) That the use of the word "share" in the gift over, which did not take effect, was not in the connection in which it was used in the will a sufficient indication that the original gift in terms of joint tenancy was intended to be a gift to the grandchildren as tenants in common.—*RE SCHOFIELD, Younger, J.*, 488; 1918, 2 Ch. 64.

14. *Construction—Trust for two grandchildren on the younger attaining twenty-seven—Death of the younger under twenty-seven—Vesting.*—A testator after giving a specific bequest gave all the rest of his property to his trustees in trust for his wife for life, and after her death as to certain freeholds in trust for his granddaughters, Ethel and Dorothy, as tenants in common on the younger attaining the age of twenty-seven years, the income to be accumulated from the date of the death of the widow till the younger attained twenty-seven. The widow died in 1911, and the younger daughter in 1912, under twenty-seven years of age. The elder granddaughter, not yet twenty-seven, and heiress-at-law of her sister, now claimed the property.

Held, following *Boraston's case* (1587, 3 Rep. 19a), and a long line of cases following it, that the two granddaughters took vested interests on the death of the testator, expectant on the determination of the widow's life interest and the period of accumulation, and that they were accordingly absolutely entitled to the property and accumulations in equal shares.—*RE RADFORD, Peterson, J.*, 604.

15. *Construction—Vested or contingent gift—Legacy—"If and when" they attain twenty-one—Interest from testator's death.*—A testator gave a legacy of £250 to "each of my grandchildren who shall be born in my lifetime, to be paid to them respectively if and when they shall respectively attain the age of twenty-one years, with interest at the rate of 4 per cent. . . . from my decease."

Held, that these legacies were not vested, but contingent on the grandchildren attaining twenty-one.

*Knight v. Cameron* (1807, 14 Ves. 389) applied.

The gift of interest from the death of the testator does not make these legacies vested because it is a gift of interest contingent on the happening of the same event, and not a gift of interest in the meantime.

Held, accordingly, that the executors must set aside and invest such a sum as would represent the total amount of the legacies plus interest at 4 per cent. on each legacy from every year of the minorities of legatees.

*Re Hall* (1903, 2 Ch. 236) applied.—*RE KIRKLEY, Sargant J.* 364.

16. *Construction—Question relating solely to devises of real estate—Costs—R.S.C., ord. 54A and 55, r. 3.*—A testatrix devised property A to one executor X, and property B to another executor Y, and, owing to her ambiguous language, it was doubtful whether Blackacre was included in property A or in property B, and also doubtful whether any part of property B passed under the specific devise thereof at all. There being no means of issuing the ordinary executor's summons owing to each executor being a specific devisee, executor X took out a summons against executor Y and the residuary devisees to determine the point of construction, and at the hearing the residuary devisees, while approving the summons as the proper method of deciding the matter, disclaimed all interest in the realty, leaving executor X and executor Y to decide about that between them.

Held, that the point of construction had to be decided *in limine* before the estate could be administered, and that the costs must come out of the residuary estate.

The second rule in *Re Buckton* (1907, 2 Ch. 406) applied.—*RE FLETCHER, Astbury, J.*, 740.

17. *Equitable devise of realty—Tenancy for life or tenancy in tail—Tenancy in tail by implication—Person born after testator's death.*—A gift to A for life, and after his death "in trust for every son of the said A and his issue male in succession, so that every elder son and his issue male may be preferred to every younger son and his issue male, and so that every such child may take an estate for life, with remainder to his first and every subsequent son successively, according to priority, in tail male," followed by similar trusts and interests to B, C and D, and their issue, and a gift over in default confers, on failure of the issue of A, an estate tail by implication on the first son of B (B being alive and his first son born after the death of the testator).

*Re Lord Lawrence, Lawrence v. Lawrence* (1915, 1 Ch. 129) and *Re Hobbs, Hobbs v. Hobbs* (1917, 1 Ch. 569) followed.

*Re Simcoe, Fowler-Simcoe v. Fowler* (1913, 1 Ch. 552) distinguished.—*RE ELTON, Younger, J.*, 71.

18. *Holograph French will—British subject resident in France—Freehold land in England—Trust for sale—Interest in land—Wills Act, 1861 (24 & 25 Vict. c. 114), s. 1.*—A share of the proceeds of sale of freeholds, held upon a trust for sale which has not been executed, is an interest on land, and since under section 1 of the Wills Act, 1837, real estate includes all hereditaments and "any estate, right or interest (other than chattel interest) therein," such a share is an interest in real estate within that Act, and not an interest in "personal estate" within the meaning of section 1 of the Wills Act, 1861.

The decisions in *Freke v. Lord Carbery* (1873, L. R. 16 Eq. 461) and *Briggs v. Chamberlain* (1853, 11 Hare, 69), that a similar interest was an interest in land within the meaning of the Fines and Recoveries Act and the Mortmain Act respectively, applied.—*RE LYNE'S SETTLEMENT, Peterson, J.*, 741.

19. *Hotchpot clause—Debts owing by life tenants to be brought into hotchpot—No implied release of the debts.*—A hotchpot clause is a charging and not a discharging clause.

*Re Young* (1914, 1 Ch. 581) followed.

If a testator who gives his debtor a life interest in a settled share with gift over to someone else wishes to extinguish the debt he must do more than merely direct it to be brought into hotchpot and treated as part of the settled share. He must express an intention to extinguish it.

In *Limpus v. Arnold* (1884, 15 Q. B. D. 300) the debtor and legatee were the same person, hence the distinction from the present case.—*RE BARBER, Astbury, J.*, 142.

20. *Legacies to persons in testator's service at his death—Testator found lunatic—Servants engaged by committee—Assent of Attorney-General to compromise—Absence of charitable legacies—Effect.*—Where a testator was found lunatic by inquisition, servants engaged by his committee to have charge of his establishment under the authority of the master in lunacy are not entitled on his death to legacies under his will as persons in his service at his death.

*Re Lawson* (1914, 2 Ch. 682) distinguished.

The assent of the Attorney-General to the compromise of a probate action on behalf of charities is binding on those charities which are cited in the action and do not appear.

*Ware v. Cumberland* (20 Beav. 503) applied.

Even if such assent was binding, the charity could not take advantage of the admission to probate of a testamentary instrument under the terms of the agreement and repudiate a compensating burden under the agreement.—*RE KING, Younger, J.*, 9; 1917, 2 Ch. 420.

21. *Power to advance—Discretion of trustee—Raising duty out of corpus—Jurisdiction.*—A will contained an advancement clause

of the usual character, giving the trustees a discretion to raise and apply a moiety of the vested share for the benefit of the child—a daughter—as they should think fit. It was arranged that the duty should be paid by instalments, but the child, by reason of the increased cost of living, became unable to pay the last two instalments, and applied to the trustees, who were the widow and the Public Trustee, for assistance. They took out a summons asking the Court if it was within the discretion of the trustees under the power of advancement to pay the duty out of corpus, and the Court held that it was. The Public Trustee was willing to exercise the discretion in favour of the daughter, but the widow absolutely refused to assist her daughter because she had married without her approval. The summons having accordingly been restored,

Held, that under the circumstances the widow had not exercised a discretion at all, but had in fact refused to exercise any discretion, and that the Court would direct the trustees to raise the duty out of corpus.—*KLUG v. KLUG, Neville, J.*, 471; 1918, 2 Ch. 67.

22. *Revocation—Legacies of different amounts—Residue in proportion to legacies—Revocation of legacies—No revocation of the shares of residue.*—A will gave thirteen legacies of different amounts and a moiety of residue to be divided, subject to a life interest intervening, among the same thirteen legatees in the proportions of their respective legacies. The first codicil gave the other moiety upon similar trusts subject to another life interest intervening. Later the testator gave to seven of the legatees the amounts of their legacies in his lifetime, and finally made another codicil revoking the seven legacies that he had in fact paid and two others that he had not paid, and in other respects confirmed his will.

Held, that there was no express or implied revocation of the gift of shares of the residue to the nine legatees above referred to, although the legacies by which the proportion was to be calculated had been revoked.—*RE FLORENCE, Younger, J.*, 87.

23. *Satisfaction—Performance of covenant.*—A marriage settlement, under which, in the event which had happened, the wife was receiving the income, contained a covenant that the husband's executors should, after his decease, during the remainder of his wife's life, pay such a sum as, with the income of the husband's funds in the settlement, would make up the full sum of £1,000 in each year. The husband by his will devised his estates to trustees on trust to pay the income to his wife for life, with remainders over. The income of the husband's funds in the settlement was between £300 and £400 per annum, and the income from the will funds was about £900. The trustees had assumed that the bequest under the will was in satisfaction of the covenant in the deed, and had accordingly left the capital under the will intact until the question was recently raised.

Held, (1) that there was no direct debt due under the covenant at death, and the instalments due under the covenant were not within the direction to pay defendants.

*Wathen v. Smith* (1819, 4 Madd. 325) applied.

(2) There was nothing to negative the *prima facie* presumption of satisfaction.

*Goldmid v. Goldmid* (1818, 1 Sw. 211) applied.

(3) There was no time when the settlement trustees could have sued the executors liable for debt, and accordingly the covenant had hitherto been wholly satisfied.

*Re Hargreaves* (1890, 44 Ch. D. 236).—*RE HALL, Astbury, J.*, 505; 1918, 1 Ch. 562.

24. *Soldier on military service—Minor—"Dispose of his personal estate"—Exercise of general power of appointment—Wills Act, 1837 (1 Vict. c. 26), ss. 7, 11, 27—Wills (Soldiers and Sailors) Act, 1918 (7 & 8 Geo. 5, c. 58), s. 1.*—The power of a soldier in actual military service, or of a mariner or seaman being at sea, under the combined effect of the Wills Act, 1837, s. 11, and the Wills (Soldiers and Sailors) Act, 1918, s. 1, to dispose of his personal estate by informal will, although under the age of twenty-one years, includes power to appoint personal estate over which he has any general power of appointment by will, and such a power is exercised by a general bequest of personal estate, if no contrary intention appears from the will.—*RE WERNHER, C.A.*, 503; 1918, 2 Ch. 82.

25. *Specific bequest—Stock—Part in the name of the testatrix—Part over which she had a general power of appointment—Wills Act, 1837 (1 Vict. c. 26), s. 27.*—Where a testatrix bequeathed "all my shares in the Halifax New Market Consolidated Stock" to a legatee, and devised and bequeathed all her real estate and all the residue of her personal estate, including any property over which she might have a power of appointment, to her trustees upon certain trusts therein declared, and at the date of her will, and of her death, she owned some of this stock, and had a general power of appointment over a further sum of the same stock.

Held, that the bequest of the stock was "a bequest of personal property described in a general manner," within the meaning



of section 27 of the Wills Act, 1837, and operated as an execution of the general testamentary power, and, accordingly, the further sum over which she had a general power of appointment passed to the legatee, and not under the gift of residue.—*RE DOHERTY-WATERHOUSE, Sargant, J.*, 636.

26. *Trusts by reference—Prior settlement with ultimate trust for settlor—Bequest of residue on same trusts as settlement—Lapse—Intestacy.*—By a settlement, after trusts which failed, the ultimate trust was for the settlor absolutely. By his will the settlor bequeathed a moiety of his residuary estate upon the trusts declared by the settlement.

Held, that the ultimate trust to be read into the testator's will was inoperative, and that he died intestate as to the moiety of his residuary estate.—*RE POWELL, Eve, J.*, 330; 1918, 1 Ch. 407.

#### WORKMEN'S COMPENSATION:—

1. *Bomb from enemy aircraft—Danger incident to the place of work—“Arising out” of the employment—Workmen's Compensation Act, 1906, s. 1 (1).*—The applicant was cleaning a brass plate on the street side of a door on his employer's premises, when a bomb from an enemy aircraft fell in the street, some distance away. The force of the explosion which followed threw the applicant down, and the fall caused a slight injury to his leg.

In a claim for compensation,

Held, that as there was no evidence that the place where the applicant was working was a place of special danger the claim for compensation failed.—*ALLCOCK v. ROGERS, H.L.*, 421.

2. *Compensation apportioned to infant—Investment by court—Title to payment out on majority—Workmen's Compensation Act, 1906 (6 Ed. 7, c. 58), Sched. 1, Par. 5—Workmen's Compensation Rules, 1913, r. 60.*—An infant dependant to whom a sum of money has been apportioned as part of the compensation for the death of her father under the Workmen's Compensation Act, 1906, is not entitled as of right to have it paid out when she becomes *sui juris*, but the judge retains unfettered control over the disposal of it for her benefit.—*RE GOLDS, County Court*, 424.

3. *Contract of service—Lad under 14 working barge—Hours of work contravening Children's Act, 1903, s. 3 (1)—Workmen's Compensation Act, 1906 (6 Ed. 7, c. 58), s. 13.*—The father of the applicant, who was a lad between 13 and 14 years of age, asked the respondent, a barge owner, to take on the lad as an odd-boy and teach him the barge trade. The respondent agreed, and undertook to give the boy so much a week as his services were worth to him and his food when out with a barge. There was evidence that on more than one occasion the boy had to start with a barge before 6 a.m. On the day of the accident he had gone to work at 3 a.m. The county court judge found that there was a contract of service, but that it contravened the Children's Act, 1903, which makes it illegal to employ a child under the age of 14 under any contract of service between 9 p.m. and 6 a.m. The learned judge held that the contract of service, being thus rendered an illegal contract, was void. No claim under the Workmen's Compensation Act could be founded upon it. Accordingly he gave the award for the respondent. On appeal,

Held, that the award was right.—*POUNTNEY v. TURTON, C.A.*, 159.

4. *“Course of the employment”—Provision of huts by employer for workmen sleeping accommodation—Accident to workman while asleep in hut—Workmen's Compensation Act, 1906 (6 Ed. 7, c. 58), s. 1 (1).*—A workman employed by a contractor on building construction was, owing to the scarcity of housing accommodation in the district, lodged by his employer in one of a number of huts erected by him for that purpose, on terms of paying twopence a night, being half the cost of keeping the hut clean. There was no obligation imposed by the contract of service requiring the workman to use the hut, and after working hours his time was at his own disposal. During a storm one night, when the workman was inside in bed, the hut was blown down, and he was injured.

Held, that the accident did not arise in the course of the employment.

*Davidson v. McRobb* (1918, A. C. 304) applied.—*PHILBIN v. HAYES, C.A.*, 519.

5. *Course of employment—Ship's engineer on leave ashore—Returning at night falls into dock where his ship was and is found drowned—Dock under control of Naval and Military authorities—Deceased man given pass entitling him to enter dock premises—Workmen's Compensation Act, 1906 (6 Ed. 7, c. 58), s. 1.*—A ship requisitioned by the Admiralty was lying beside a quay in docks at Rangoon, which, since the war, were under the control of the naval and military authorities. The chief engineer went ashore on leave for his own purposes. He was given a pass, and on his return about 10.30 p.m. on a dark night in February he passed the guard and went towards where the ship was moored. He did

not get to the ship, and his body was subsequently found in the dock about seventy yards from the place of access to the ship from the quay. There was no evidence at all as to how he came to fall into the water.

Held (Lord Finlay, C., dissenting), that the employers were not liable, as the applicant failed to show that the accident arose out of and in the course of the deceased man's employment.

*Longhurst v. John Stewart & Sons (Limited)* (61 SOLICITORS' JOURNAL, 9; 1916, 2 K. B. 803; affirmed in House of Lords, 61 SOLICITORS' JOURNAL, 414; 1917, A. C. 249) distinguished.

*Per* Lord Finlay, C., Lords Dunedin and Atkinson: “In course of the employment” does not mean during the currency of the time of the engagement, but includes the actual time that the workman is engaged at his work, and the time he is doing that which is incident to it.

*Dicta* of Earl Loreburn in *Moore v. Manchester Liners* (54 SOLICITORS' JOURNAL, 703; 1910, A. C. 498), and *Fletcher Moulton, L.J.*, in *Kichenham v. s.s. Johannesburg (Owners of)* (55 SOLICITORS' JOURNAL, 124; 1911, 1 K. B. 523), upon the meaning of “course of the employment” dissented from by Lord Dunedin and Lord Atkinson.—*DAVIDSON & Co. v. McROBB, H.L.*, 347; 1918, A. C. 304.

6. *Method of calculating amount—“Continuous employment by the same employer”—“Three years next preceding” the injury—Strike—Voluntary absence from work—Workmen's Compensation Act, 1906 (6 Ed. 7, c. 58), Sched. 1 (1) (a) (2) (c).*—In March, 1916, a workman, who had for several years previously been employed by the respondents, was killed as a result of an accident in the colliery. In July, 1915, the men at the colliery came out on strike, pending negotiations for a new agreement to be settled by the Conciliation Board. The dispute was settled after the men had been out for one week, and they all returned to work on 22nd July, 1915, at increased wages. The employers admitted the claim of the dependants of the deceased workman, but disputed the amount.

Held, that for the purposes of calculating compensation the contract of service had not been terminated by the fact that, owing to the men being called out, there had been a break in the continuity of his work, and, therefore, compensation was to be calculated on his total earnings during the period of three years next preceding the injury, and not as the appellant contended, from 22nd July, 1915.—*PRICE v. GUEST, KEEN & NETTLEFOLDS, H.L.*, 619.

7. *Miner—Partial incapacity—General rise in miners' wages since date of disablement—Review of weekly payments—Workmen's Compensation Act, 1906 (6 Ed. 7, c. 58), Sched. 1, Par. 3, 16.*—By par. 1 of the First Schedule to the Workmen's Compensation Act, 1906, the amount of compensation for total or partial incapacity is limited to 50 per cent. of his average weekly earnings, but such weekly payment not to exceed £1.

By par. 3, in the case of partial incapacity, “the weekly payment shall in no case exceed the difference between the amount of the average weekly earnings of the workman before the accident and the average weekly amount which he is earning or is able to earn . . . but shall bear such relation to the amount of such difference as under the circumstances of the case may appear proper.”

Held, that on an application to review an award, made on the basis of partial incapacity, the arbitrator had a complete discretion to award any sum up to £1 as compensation, so long as the sum awarded added to the amount which the workman was then earning or able to earn did not exceed his average weekly earnings prior to the date of disablement, and did not exceed £1.

Decision of the Second Division of the Court of Session (reported 54 Sc. L. R. 208; 1917, 1 Sc. L. T. 80) affirmed.—*WOODLEE COAL Co. v. McNEILL, H.L.*, 7; 1918, A. C. 43.

8. *Partial incapacity due to accident—Amount which he is . . . able to earn in some suitable employment after the accident—Review—Discretion of arbitrator to award such a sum “as under the circumstances may appear proper”—Workmen's Compensation Act, 1906, Schedule I, 1 (3).*—On an application in the county court to review compensation, the fact that there has been a general rise of wages in the district which, but for the accident, the workman would have been getting is a circumstance that can be considered by the arbitrator in fixing the amount the compensation shall bear in relation to the amount of difference as under the circumstances of the case may appear to the arbitrator proper.

So held, reversing an order of the Court of Appeal (Warrington L.J., dissenting) (reported 1917, 1 K. B. 450, 13 B. W. C. C. 46).—*HEATHCOTE v. HAUNCHWOOD COLLIERIES, H.L.*, 53; 1918, A. C. 52.

9. *Railway porter—Tips from passengers—Inclusion of tips in calculating “earnings”—Workmen's Compensation Act, 1906 (6 Ed. 7, c. 58), Sched. 1 (2) (a).*—Held, that where a railway company did not prohibit their servants from receiving tips from passengers, such gratuities must be taken into account by the arbitrator in

assessing a porter's "average weekly earnings" for the purposes of compensation.—*GREAT WESTERN RAILWAY v. HELPS, H.L.*, 120; 1918, A. C. 141.

10. *Settlement by payment of agreed lump sum—No weekly payment agreed on or awarded—Duty of registrar to record memorandum—Workmen's Compensation Act, 1906 (6 Ed. 7, c. 58), Schedule II. (9).*—Where the claim of a workman for compensation for accident is ultimately settled by payment of a lump sum agreed to be paid and accepted, which sum is not in redemption of any definite weekly payment either agreed or awarded, the registrar is bound to record the memorandum of agreement sent to him on being satisfied as to its genuineness, and is not entitled to refuse to do so because in his opinion the sum is inadequate. It is only in cases coming within the proviso (d) to Schedule II. (9) that any question of adequacy can be raised.—*RAWLINGS (LIMITED) v. HODGSON, C.A.*, 534.

11. *Total or partial incapacity for work resulting from the injury—Chapped hands—Septic poisoning—Finding by arbitrator that the hand was poisoned while at work—Precise source of infection uncertain—Workmen's Compensation Act, 1907 (6 Ed. 7, c. 58), Sched. I, 1 (b).*—A workman employed as a furnace labourer by the respondents in the course of his work was required to shovel up and screen calcined ore. It was cold, frosty weather, and he had bad chilblains on his hands. On 18th February, while so working, a frost crack in his hand opened and bled, and bled so freely that he got a fellow-workman to bind up his hand with his handkerchief. On the following day septic poisoning set in, and for a time he was unable to work. The arbitrator found that the microbes entered the frost crack while the man was working on 18th February; that calcined ore dust was liable to render a sore septic; but he said he could not decide whether the microbes came from the calcined dust, or from the man's handkerchief, or from some other source, which had not even been suggested; and he, therefore, made his award for the respondents.

Held, that the arbitrator, having found that the man's incapacity for work was due to a poisoned hand caused by an injury which had opened a crack through which some microbe had entered and produced septic poisoning, the accident arose out of and in the course of his employment, and he was entitled to compensation.—*SADDINGTON v. ISLIP IRON CO., C.A.*, 120.

12. *Weekly payment . . . may . . . be redeemed . . .*  
—Redemption of compensation subject to future contingencies—*Weekly payment reduced by workman being allowed cottage rent free—Workmen's Compensation Act, 1906 (6 Ed. 7, c. 58), Sched. I (17).*—Under clause 17 of the First Schedule to the Workmen's Compensation Act, 1906, an award made on any application to redeem compensation must be final and complete. Therefore, an employer is not entitled to redeem, by the payment of a lump sum, a weekly

payment which has been made for six months to the injured workman in a case where such weekly payment does not represent the full compensation due to the workman under the Act. *CLAWLEY v. CARLTON COLLIERY, H.L.*, 728.

13. *Workman directed to go on errand on employer's business—Slips on greasy substance on pavement—Street risk—Accident arising out of and in course of employment—Workmen's Compensation Act, 1906 (6 Ed. 7, c. 58), s. 1 (1).*—Part of a woman's regular employment with the respondent was to go errands. She had been sent on an errand, and as she was returning she slipped on some greasy substance on the pavement, fell, and injured her wrist.

Held, that the accident was due to a street risk, and arose out of and in the course of her employment.

*Dennis v. White & Co. (61 SOLICITORS' JOURNAL, 558; 1917, A. C. 479, 10 B. W. C. C. 280) followed.—ARKELL v. GUDGEON, H.L.*, 174.

14. *Workman killed in air raid—Suffocation by smoke—Special risk of employment—Evidence—Coroner's inquisition—Certificate of death—Admissibility—Workmen's Compensation Act, 1906 (6 Ed. 7, c. 58), s. 1 (1).*—During a hostile air raid on London a bomb was dropped on an oil and colour warehouse stored with inflammable materials, which was set on fire and collapsed. The body of a workman who had been sent there on his employer's business was later on found in the basement covered with debris, but bearing no marks of violence.

Held, there was evidence from which the county court judge could properly draw the inference that the premises were subject to a special risk in case of fire, that the man died of suffocation by smoke, and therefore by accident arising out of his employment.

But held, further, that the record of the coroner's inquisition and the certificate of death were inadmissible in evidence to prove the cause of death.—*BIRD v. KEEP, C.A.*, 666.

15. *Workman slipping and falling on railway line on colliery premises—Exposure to peril attached to workman's particular location—Arising out of the employment—Workmen's Compensation Act, 1906 (6 Ed. 7, c. 58), s. 1.*—A lad on his way to his work got to a place on the colliery premises, where he had to pass over some railway lines. It was a very dark morning and he stumbled over the lines and received injury to his face. The road across the lines was one which anybody was free to go having business with the colliery, and the judge expressly found that in going to his work by this way he was exposed to no greater risk than other people, and that the injury was not specially or peculiarly incidental to his employment.

Held, that the lad could recover, as the accident was due to a peril of the place to which his employment had taken him.—*MARSH v. POPE, C.A.*, 9.



# STATUTES

Enacted in the Session of Parliament, 1917 (*continued*).

## CHAPTER 47.

### TITLES DEPRIVATION ACT, 1917.

An Act to deprive Enemy Peers and Princes of British Dignities and Titles.

[8th November, 1917.]

Be it enacted, &c. :-

1. *Forfeiture of title of peer or prince held by enemy.*—(1) His Majesty may appoint a committee of His Privy Council, of which two members at least shall be members of the Judicial Committee, to inquire into and report the names of any persons enjoying any dignity or title as a peer or British prince who have, during the present war, borne arms against His Majesty or His Allies, or who have adhered to His Majesty's enemies.

(2) The Committee shall have power to take evidence on oath and to administer an oath for the purpose, and may, if they think fit, act upon any evidence given either orally or by affidavit based on information and belief, the grounds of which are stated.

(3) Such report shall be laid upon the table of both Houses of Parliament for the space of forty days, and, if by that time there has not been passed in either House a motion disapproving of the report, it shall be taken as final and presented to His Majesty.

(4) Where the name of any peer or prince is included in the report, then from and after the date of the presentation of the report to His Majesty—

(a) The name of such person, if he be a peer, shall be struck out of the Peerage Roll, and all rights of such peer to receive a writ of summons and to sit in the House of Lords or to take part in the election of representative peers shall cease and determine;

(b) All privileges and all rights to any dignity or title, whether in respect of a peerage or under any Royal Warrant or Letters Patent, shall cease and determine.

2. *Power of successor to petition for restoration of peerage.*—It shall be lawful for the successor of any peer whose name has been so removed, to present a petition to His Majesty praying to have the peerage restored and his name placed on the Peerage Roll; and His Majesty may refer such petition to a committee of the Privy Council constituted as aforesaid; and should the committee be satisfied that such person has incurred no disability under this Act, and is well affected to His Majesty's Person and Government, His Majesty may thereupon direct that the peerage be restored and the name of the petitioner be placed on the Peerage Roll; whereupon all rights and privileges of the holder of the peerage shall revive and be in force as if the name of the peer had never been removed from the Roll.

3. *Savings.*—(1) Nothing in this Act shall affect the title or succession of any person to any estates or other property.

(2) The powers conferred upon His Majesty by this Act shall be in addition to, and not in derogation of, any other powers of His Majesty.

4. *Short title and definition.*—(1) This Act may be cited as the Titles Deprivation Act, 1917.

(2) In this Act the expression "enemy" shall be construed as referring to the enemies of His Majesty in the present war, and, for the purposes of this Act, a person shall be deemed to have adhered to His Majesty's enemies if since the commencement of the present war he has voluntarily resided in an enemy country or if he has served in the enemy forces or in any way rendered assistance to the enemy.

## CHAPTER 48.

### BILLS OF EXCHANGE (TIME OF NOTING) ACT, 1917.

An Act to amend the Bills of Exchange Act, 1882, with respect to the time for noting Bills.

[8th November, 1917.]

Be it enacted, &c. :-

1. *Time of noting.*—In sub-section (4) of section fifty-one of the Bills of Exchange Act, 1882 [45 & 46 Vict. c. 61] (which relates to the time of noting a dishonoured bill), the words "it must be noted on the day of its dishonour" shall be repealed, and the following words shall be substituted therefor, namely, "it may be noted on the day of its dishonour and must be noted not later than the next succeeding business day."

2. *Short title and construction.*—This Act may be cited as the Bills of Exchange (Time of Noting) Act, 1917, and shall be construed as one with the Bills of Exchange Act, 1882, and the Bills of Exchange Acts, 1882 and 1906 [6 Edw. 7, c. 17], and this Act may be cited together as the Bills of Exchange Acts, 1882 to 1917.

## CHAPTER 49.

### CONSOLIDATED FUND (No. 5) ACT, 1917.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and sixteen and one thousand nine hundred and eighteen.

[8th November, 1917.]

## CHAPTER 50.

### PARLIAMENT AND LOCAL ELECTIONS (No. 2) ACT, 1917.

An Act to make further provision for the prolongation of the present Parliament, and the postponement of Local Elections.

[29th November, 1917.]

Be it enacted, &c. :-

1. *Further prolongation of present Parliament.*—Sub-section (1) of section one of the Parliament and Registration Act, 1916 [5 & 6 Geo. 5, c. 100], shall have effect as if seven years and six months were substituted therein for five years and eight months; and section one of the Parliament and Local Elections Act, 1917 [7 & 8 Geo. 5, c. 13], is hereby repealed.

2. *Further postponement of local elections.*—(1) The next statutory elections of county and borough councillors, district councillors, guardians, and parish councillors, and of members of school boards in Scotland, shall, subject to the limitations hereinafter contained, be postponed, or, in the case of elections already postponed under the Elections and Registration Act, 1915 [5 & 6 Geo. 5, c. 76], the Parliament and Local Elections Act, 1916 [6 & 7 Geo. 5, c. 44], or the Parliament and Local Elections Act, 1917, further postponed, for a year; and the term of office of the existing councillors, guardians, and members shall accordingly be extended, or further extended, by one year.

This provision shall apply only where the next statutory election (whether a postponed election or not) would take place before the first day of October, nineteen hundred and eighteen.

(2) Section two of the Elections and Registration Act, 1915, and paragraphs (2) to (10) (inclusive) of the Schedule to the Parliament and Local Elections Act, 1917 (except the provisions of paragraph (10) relating to the revision of jurors lists in Ireland), shall be deemed to be incorporated in this section as though they were set out therein, and expressly made applicable to the provisions thereof.

3. *Short title.*—This Act may be cited as the Parliament and Local Elections (No. 2) Act, 1917.

## CHAPTER 51.

### AIR FORCE (CONSTITUTION) ACT, 1917.

An Act to make provision for the establishment, administration, and discipline of an Air Force, the establishment of an Air Council, and for purposes connected therewith.

[29th November, 1917.]

Be it enacted, &c. :-

#### PART I.

##### ESTABLISHMENT OF AIR FORCE.

1. *Raising and number of Air Force.*—It shall be lawful for His Majesty to raise and maintain a force, to be called the Air Force, consisting of such number of officers, warrant officers, non-commissioned officers, and men as may from time to time be provided by Parliament.

2. *Government, discipline, and pay of Air Force.*—(1) Subject to the provisions of this Act it shall be lawful for His Majesty, by order signified under the hand of a Secretary of State, to make orders with respect to the government, discipline, pay, allowances, and pensions of the Air Force, and with respect to all other matters and things relating to the Air Force, including any matter by this Act authorised to be prescribed or expressly to be subject to orders or regulations.

(2) The said orders may provide for the formation of men of the Air Force into separate units, and for the formation of such units into corps, and for appointing, transferring, or attaching men of the Air Force to units, and for posting, attaching, and otherwise dealing with such men within the units, and may regulate the appointment, rank, duties, and numbers of the officers and non-commissioned officers of the Air Force.

(3) Subject to the provisions of any such order, the Air Council hereinafter constituted may make general or special regulations with

respect to any matter with respect to which His Majesty may make orders under this section:

Provided that the administration of pensions, other than service pensions within the meaning of the Ministry of Pensions Act, 1916 [6 & 7 Geo. 5, c. 65], shall vest in the Minister of Pensions.

(4) All orders and general regulations made under this section shall be laid before Parliament as soon as may be after they are made.

3. *Transfer and attaching to Air Force of members of Naval and Military Forces.*—(1) Any officer, warrant officer, petty officer, non-commissioned officer, or man of any of His Majesty's naval or military forces may, with his consent and subject to the approval of the Admiralty or Army Council (as the case may be), be transferred by the Air Council to the Air Force, or attached by the Air Council to the Air Force, for the period of the present war or for a period not exceeding four years:

Provided that—

(a) any officer, warrant officer, petty officer, non-commissioned officer, or man who at such date as may be fixed by Order in Council belongs or is attached to the Royal Naval Air Service, the Royal Flying Corps or any unit of the naval or military forces engaged in defence against aircraft which is designated by the Admiralty or Army Council for the purpose, may be so transferred or attached without his consent, but if any person so transferred or attached, within three months from the time when he receives notice of such transfer or attachment or such longer period as in any particular case the Air Council may allow, gives notice to his commanding officer that he does not desire to be so transferred or attached, the transfer or attachment shall be annulled without prejudice to the validity of anything which may have been done in the meanwhile; and

(b) no person transferred to the Air Force under the provisions of this section shall be liable to serve with the Air Force for any longer period than that for which he would have been liable to serve had he continued in the force from which he was transferred.

(2) Regulations made by the Air Council may provide that in the case of a person so transferred, the time during which he held a commission or served in the force from which he is transferred shall, for such purposes as may be prescribed, be aggregated with the time during which he holds a commission or serves in the Air Force, and that his entry into or enlistment in the force from which he is transferred shall, for such purposes as may be prescribed, be treated as enlistment into the Air Force.

(3) Where any person is transferred to the Air Force under this section, then for the purposes of pay, pensions, gratuity, and retired or half-pay, and of any decoration or reward dependent on length of service, any previous service with His Majesty's naval or military forces which would have counted as service towards pay, pension, gratuity, retired or half-pay, or such decoration or reward if he had not been so transferred, shall be deemed to be service with the Air Force towards pay, pension, gratuity, retired or half-pay, or such decoration or reward.

(4) Where any person is attached to the Air Force under this section, the fact that he is so attached shall not affect any right to any pay, pension, gratuity, retired or half-pay, or such decoration or reward as aforesaid, already earned by him in that branch of His Majesty's naval or military forces to which he belonged at the date on which he was so attached, and the period during which he is so attached shall, for the purpose of any provisions relating to pay, pensions, gratuity, retired or half-pay, or such decoration or reward, be deemed to be service with that branch of His Majesty's naval or military forces to which he belonged at the date on which he was so attached.

4. *Rights of officers.*—Officers in the Air Force shall enjoy all such powers, rights, immunities, and privileges as are enjoyed by commissioned officers of His Majesty's Navy or Army as such, whether conferred by statute or otherwise, and the acceptance of a commission in the Air Force shall not render a person accepting such a commission incapable of being elected to or sitting or voting in the Commons House of Parliament, and nothing in the Succession to the Crown Act, 1707 [6 Anne, c. 41], or any similar enactment, shall extend to any member of the Commons House of Parliament who, being an officer of the Air Force, receives any new or other commission in the Air Force, or receives a commission in His Majesty's Navy or Army, or who, being an officer in His Majesty's Navy or Army, receives a commission in the Air Force.

5. *Application of Military Service Acts, &c.*—(1) Any men who, by virtue of the Military Service Acts, 1916 and 1917 [5 & 6 Geo. 5, c. 104, 6 & 7 Geo. 5, c. 15, 7 & 8 Geo. 5, c. 12 & 26], are deemed to have been enlisted in His Majesty's regular forces and to have been transferred to the reserve, or who having voluntarily enlisted in the regular forces have been so transferred, shall on being called up for service be liable to be transferred to the Air Force.

(2) There shall be included amongst the exceptions mentioned in the First Schedule to the Military Service Act, 1916, the following:—Men serving in the Air Force.

6. *Air Force Reserve and Auxiliary Force.*—(1) It shall be lawful for His Majesty to raise and maintain an Air Force Reserve and an Auxiliary Air Force consisting in each case of such number of officers, warrant officers, non-commissioned officers, and men as may from time to time be provided by Parliament, and to provide for the transfer

or attachment to the Auxiliary Air Force, subject to their consent, of officers and men of any unit of the territorial force which at the passing of this Act forms part of the Royal Flying Corps.

(2) His Majesty may, by Order in Council, apply with the necessary adaptations to the Air Force Reserve, or to the Auxiliary Air Force, or to the officers or men of any such force, any enactment relating to the Army Reserve or to the Territorial Force or to the officers or men of those forces, and such Order in Council shall be laid before both Houses of Parliament.

7. *Consequential amendments of Naval Discipline Act and Army Act.*—The amendments set out in the second column of the tables in Part I. and Part II. of the First Schedule to this Act (being amendments consequential on the establishment of an air force) shall be made in or inserted after the provisions of the Naval Discipline Act and the Army Act respectively mentioned in the first column of those tables, and section two of the Naval Discipline Act, 1917 [7 & 8 Geo. 5, c. 34] (which relates to the printing and construction of the Naval Discipline Act), shall apply to the amendments of the Naval Discipline Act made by this Act in like manner as it applies to the amendments thereof made by that Act.

## PART II.

### ESTABLISHMENT OF AIR COUNCIL.

8. *Establishment of Air Council.*—(1) For the purpose of the administration of matters relating to the Air Force and to the defence of the realm by air there shall be established an Air Council consisting of one of His Majesty's Principal Secretaries of State, who shall be President of the Air Council, and of other members, who shall be appointed in such manner and subject to such provisions as His Majesty may, by Order in Council, direct.

(2) His Majesty may, by Order in Council, fix the date as on which the Air Council is to be established, and make provision with respect to the proceedings of the Air Council and the manner in which the business of the Council is to be distributed among the members thereof.

(3) On the establishment of the Air Council, the Air Board constituted under the New Ministries and Secretaries Act, 1916 [6 & 7 Geo. 5, c. 68], shall cease to exist, and all the powers, duties, rights, liabilities, and property of that Board shall be transferred to the Air Council, but nothing in this sub-section shall affect any orders, instructions, or other instruments issued by the Air Board, and all such instruments shall have effect as if issued by the Air Council.

(4) His Majesty may, by Order in Council, transfer from the Admiralty, or from the Army Council or the Secretary of State for the War Department, to the Air Council or the President of the Air Council such property, rights, and liabilities of the Admiralty or Army Council or Secretary of State as may be agreed between the Air Council and the Admiralty or the Army Council, as the case may be.

9. *Staff, remuneration, and expenses.*—(1) The Air Council may appoint such secretaries, officers and servants as the Council may, with the sanction of the Treasury, determine.

(2) There shall be paid, out of moneys provided by Parliament, to the members of the Air Council, and to the secretaries, officers, and servants of the Council, such salaries or remuneration as the Treasury may determine.

10. *Style, seal, and proceedings of Air Council.*—(1) The Air Council may sue and be sued, and may for all purposes be described, by that name.

(2) The Air Council shall have an official seal, which shall be officially and judicially noticed, and that seal shall be authenticated by the signature of the President, or of a secretary, or of some person authorised by the Council to act on behalf of a secretary.

(3) Every document purporting to be an instrument issued by the Air Council, and to be sealed with the seal of the Council, authenticated in manner provided by this Act, or to be signed by a secretary or any person authorised by the Council to act on behalf of a secretary, shall be received in evidence, and be deemed to be such an instrument without further proof, unless the contrary is shown.

(4) A certificate signed by the President of the Air Council, that any instrument purporting to be made or issued by the Council was so made or issued shall be conclusive evidence of the fact.

(5) The Documentary Evidence Act, 1868 [31 & 32 Vict. c. 37], as amended by the Documentary Evidence Act, 1882 [45 & 46 Vict. c. 9], shall apply to the Air Council as if that Council were mentioned in the first column of the schedule to the first-mentioned Act, and as if the President, or a secretary of the Council, or any person authorised by the President to act on behalf of the Council, was mentioned in the second column of that schedule.

11. *Provisions as to sitting in Parliament.*—The number of Principal Secretaries of State and Under Secretaries capable of sitting and voting in the Commons House of Parliament shall be increased to five, and accordingly section four of the Government of India Act, 1858 [21 & 22 Vict. c. 106], and section one of the House of Commons (Vacation of Seats) Act, 1864 [27 & 28 Vict. c. 34], shall have effect as if the word "five" was substituted for the word "four" wherever that word occurs in those sections:

Provided that nothing in this provision shall affect the operation of section nine of the New Ministries and Secretaries Act, 1916, so long as that section continues in force.



PART III.  
DISCIPLINE, &c.

12. *Application of Army Act to Air Force.*—(1) The Army Act as in force immediately before the passing of this Act shall, subject to the modifications set out in the Second Schedule to this Act (being amendments required to adapt that Act to the circumstances of the Air Force), apply with respect to the Air Force, and shall, as so modified, take effect as a separate Act of the present session of Parliament, and may be printed as a separate Act by the printers to His Majesty and intitled "An Act to provide for the Discipline and Regulation of the Air Force," and that Act may, subject to any modifications which may from time to time be made therein, be cited as the Air Force Act:

Provided that, for the purposes of section eighty-eight of the Air Force Act (relating to the continuance of men in air-force service in case of emergency), the proclamation issued under section eighty-eight of the Army Act on the outbreak of the present war shall have effect as if it had been issued under the first-mentioned, as well as the last-mentioned, section, and had applied to the Air Force as well as to the Army.

(2) The Air Force Act shall continue in force only as long as the Army Act continues in force, and during the present war the number of the forces mentioned in the preamble to the Army (Annual) Act shall include the number of the Air Force.

(3) Where, by any enactment passed after the passing of this Act, any amendments are made in the Army Act the corresponding amendments shall be made in the Air Force Act, subject to such modifications and exceptions as His Majesty in Council may declare to be necessary for adapting the same to the Air Force.

(4) Where, by any enactment passed after the passing of this Act and for the time being in force, any enactments or words are directed to be substituted in the Army Act or the Air Force Act for any other enactments or words, or to be added to or omitted from the Army Act or the Air Force Act, then all copies of the Air Force Act printed after such direction takes effect shall be printed with the said enactments or words added to the said Act or omitted therefrom, or inserted therein in lieu of any enactments or words for which the same are to be substituted, according as such direction requires, and with the sections and sub-sections numbered in accordance with such direction, but, as respects amendments to the Army Act, subject to such modifications and exceptions as aforesaid, and the Air Force Act shall be construed as if it had at the time at which such direction takes effect been enacted with such addition, omission, or substitution.

(5) A reference in any enactment passed after the passing of this Act to the Air Force Act shall, unless the context otherwise requires, be construed to refer to the Air Force Act as amended by any enactment for the time being in force.

13. *Application of other Acts.*—His Majesty may, by Order in Council, apply, with the necessary modifications and adaptations, in relation to the Air Council, the President of the Air Council, and the Air Force, and the officers and men thereof, and Air Force property or institutions, any of the enactments relating to the Army Council, the Secretary of State for the War Department, the Army, or the officers and soldiers thereof (including enactments conferring any powers, rights, exemption or abatement from taxation or immunities, or imposing any duties or disabilities on such officers or soldiers), or to military property or institutions, and every such Order in Council shall be laid before both Houses of Parliament.

PART IV.  
GENERAL.

14. *Power to alter and revoke orders.*—Orders in Council, orders, and regulations made under this Act may be varied and revoked by subsequent Orders in Council, orders, and regulations made in like manner.

15. *Short title.*—This Act may be cited as the Air Force (Constitution) Act, 1917.

FIRST SCHEDULE.

Section 7.

[Amendments of Army Act and Naval Discipline Acts.]

SECOND SCHEDULE.

Section 12 (1).

[Further Amendments of Army Act.]

CHAPTER 52.

APPROPRIATION ACT, 1917.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and eighteen, and to appropriate the Supplies granted in this Session of Parliament. [20th December, 1917.]

CHAPTER 53.

EDUCATION (PROVISION OF MEALS) (IRELAND) ACT, 1917.

An Act to amend the Education (Provision of Meals) (Ireland) Acts, 1914 and 1916. [20th December, 1917.]

CHAPTER 54.

NAVAL AND MILITARY WAR PENSIONS, &c. (COMMITTEES) ACT, 1917.

An Act to provide for the inclusion on committees constituted under the Naval and Military War Pensions, &c., Act, 1915, of disabled men discharged from the Naval and Military Services of His Majesty and of women in receipt of Pensions. [20th December, 1917.]

Be it enacted, &c. :—

1. *Representatives of disabled men to be included among the members of committees.*—(1) Every scheme regulating the constitution of a local or district committee under section two of the Naval and Military War Pensions, &c., Act, 1915 [5 & 6 Geo. 5, c. 83], shall provide for the inclusion among the members of the local or district committee of at least two disabled men who have been discharged from the naval or military service of His Majesty during the present war and of a woman who is in receipt of a pension as the widow or other dependant of a man in the said naval or military service who has died from causes arising out of his service during the present war.

(2) Where such a scheme, framed before the passing of this Act, does not provide as aforesaid, the council by which the scheme was framed shall, as soon as may be after the passing of this Act and subject to the approval of the Minister of Pensions, frame a supplemental scheme revising the existing scheme so as to give effect to the provisions of this section, and if within such time, not being less than one month, as the Minister may allow the council does not frame such a supplemental scheme, or such a supplemental scheme as the Minister approves, the Minister may himself frame a supplemental scheme, which shall have the like effect as if it had been framed by the council and approved by the Minister.

(3) There shall be included among the members of every sub-committee appointed under the said section for any part of the area of a local committee for any county (including the county of London) or county borough, and among the members of every joint committee appointed by two or more local committees, whether in either case appointed before or after the commencement of this Act, at least two such disabled men as aforesaid.

Where any such sub-committee or any joint committee has been appointed before the commencement of this Act the local committee or committees, as the case may be, by which it was appointed shall, as soon as may be after the commencement of this Act, make the necessary appointment for the purpose of giving effect to the foregoing provision, and if the local committee or committees fail to make the appointment within such time, not being less than one month, as the Minister of Pensions may allow, the Minister may himself make the appointment.

2. *Short title.*—This Act may be cited as the Naval and Military War Pensions, &c. (Committees) Act, 1917.

CHAPTER 55.

CHEQUERS ESTATE ACT, 1917.

An Act to confirm and give effect to a deed of settlement relating to the Chequers Estate and other property and for purposes connected therewith. [20th December, 1917.]

CHAPTER 56.

COAL MINES CONTROL AGREEMENT (CONFIRMATION) ACT, 1918.

An Act to confirm and give effect to a certain Agreement relating to the Compensation to be paid in respect of the Control of Coal Mines and other Matters arising out of such Control. [6th February, 1918.]

Whereas provision is made by Regulation 9c of the Defence of the Realm Regulations for the control of coal mines to which that regulation is applied by order of the Board of Trade:

And whereas by virtue of orders of the Board of Trade dated respectively the twenty-ninth day of November nineteen hundred and sixteen and the twenty-second day of February nineteen hundred and seventeen, the said regulation has been applied to all coal mines in the United Kingdom:

And whereas the Board of Trade have appointed a Controller of Coal Mines to control mines of which possession has been taken under the said regulation:

And whereas questions have arisen as to the compensation to be paid to the owners of the several mines so controlled in respect of control and with respect to other matters arising out of such control:

And whereas for the purpose of settling such questions an agreement dated the twentieth day of July nineteen hundred and seventeen, which agreement is set out in the Schedule to this Act, has been made, and it is expedient that the said agreement should be confirmed by Parliament and made binding on all persons whom the said agreement affects or purports to affect:

Be it therefore enacted, &c., as follows:—

**1. Confirmation of agreement.**—(1) The above-recited agreement of the twentieth day of July nineteen hundred and seventeen, together with all rights and powers conferred and all duties and obligations imposed thereby on the Controller of Coal Mines, the Commissioners of Inland Revenue, the Board of Referees, or any other persons, is hereby confirmed, and the said agreement shall have effect as if enacted in this Act, and shall be binding on the owners (including trustees) of any coal mine to which the said Regulation 96 is for the time being applied, and upon all persons whom the agreement affects.

(2) If after the date of the passing of this Act any person without reasonable cause fails as and when so required to give a return or to furnish any information or to produce or give facilities for the inspection of any books, plans, or documents which, under the said agreement, he may be liable to give, furnish, or produce, or knowingly gives any information which is false in any material particular, or knowingly discloses or makes use of, for any purpose other than for such purpose as is authorized by the said agreement, any information acquired by him under the said agreement, he shall, on summary conviction, be liable to a fine not exceeding one hundred pounds, and in the case of a continuing offence to a further fine of ten pounds for each day during which the offence continues.

Where any such offence as aforesaid is committed by a company every director and manager of the company who knowingly authorizes or permits the default, shall be liable to the same penalties as the company.

(3) Nothing in this Act or in the agreement confirmed thereby shall, except as otherwise expressly provided by the agreement, affect the general powers of the Board of Trade or the Controller of Coal Mines under the said regulation.

(4) References in the said agreement to the Controller of Coal Mines shall be deemed to include any person for the time being appointed to hold that office, and in the event of the office of Controller of Coal Mines being vacant or ceasing to exist shall be deemed to include the Board of Trade.

(5) Provided that nothing in this Act shall extend to apply the terms of the said agreement to the owners of any coal mine in respect of coke ovens or by-product plant belonging to them.

**2. Provisions applicable in the event of agreements being determined.**—If the Controller of Coal Mines determines the said agreement, the agreement shall have effect in respect of any part of an accounting period which may have elapsed at the time of the determination thereof.

**3. Accounts and audit.**—(1) Sums collected by the Commissioners of Inland Revenue under the said agreement shall be paid into such account as the Controller may direct.

(2) Payments into and out of the said account shall be made, and all other matters relating to the administration of that account and to the money standing to the credit of the account (including the investment of any such money) shall be regulated in such manner as the Treasury may direct.

(3) At the end of every financial year accounts of the payments into and the expenditure defrayed out of the said account shall be made up in such form and with such particulars as may be directed by the Treasury, and shall be audited by the Comptroller and Auditor-General as public accounts in accordance with such regulations as the Treasury may make, and shall be laid before Parliament with a report thereon.

**4. Provision as to secrecy.**—Any person who may obtain any information which by virtue of clause twenty of the said agreement is to be treated as confidential shall be required to make a declaration of secrecy in such form as may be prescribed by the Board of Trade, and any person who has made such a declaration shall for the purposes of section thirty-eight of the Income Tax Act, 1842 [5 & 6 Vict. c. 35], and the declarations made thereunder, be treated in relation to the disclosure of information under clause nineteen of the said agreement as if he was a person sworn to the due execution of the said Act.

**5. Duration of agreement.**—The said agreement shall, if not previously determined, cease to have effect at the expiration of six months after the termination of the present war.

**6. Powers of suing and being sued.**—The Controller of Coal Mines or, as the case may be, the Board of Trade may sue or be sued for breach of the above recited agreement.

**7. Saving for persons who have lent money to the owners of coal mines.**—Nothing in this Act shall deprive any person upon whom the agreement contained in the schedule is not made obligatory of any right to require the repayment of money owing to him by a person upon whom the agreement is made obligatory by this Act.

**8. Definition.**—Regulation 96 of the Defence of the Realm Regulations means that Regulation as in force at the date of the passing of this Act.

**9. Short title.**—This Act may be cited as the Coal Mines Control Agreement (Confirmation) Act, 1918.

#### SCHEDULE.

##### COAL MINES CONTROL AGREEMENT.

1. For the purposes of this Agreement—

"The Act" means the provisions of the Finance (No. 2) Act, 1915, relating to Excess Profits Duty, as amended or explained by any subsequent enactment, and any reference to any particular provision of the Act means that provision as so amended or explained;

"Controller" means the person appointed by the Board of Trade to

control coal mines of which possession has been taken under Regulation 96 of the Defence of the Realm Regulations;

"Undertaking" means the whole of the undertaking of the owner of a coal mine which is for the time being under control of the Controller, except such parts of the undertaking as are controlled establishments within the meaning of the Munitions of War Acts, 1915 and 1916, or are under the control of the Controller of Shipping, and such other parts (if any) as the Controller may exclude from the operation of this Agreement;

"Mine" means one or more pits or workings with a common system of ventilation or any part of a system of ventilation in common;

"Profits standard" means the profits standard determined in accordance with the Act, and the percentage standard shall in no case be taken to be the standard for the purposes of this Agreement;

"Output" means the tonnage of saleable coal raised and weighed at the pit head;

"Standard output" means the annual average output of coal during the standard period; but if the accounting period is less than a year the amount of the standard output shall be proportionately reduced;

"Standard period" means the years which have been chosen or may be chosen for the determination of the profits standard under the Act;

"Accounting period" in relation to any undertaking means an accounting period under the Act.

2. Subject to the right of the Controller at any time to take over in whole or in part the management either of all undertakings generally or of the undertakings in any particular district or of individual undertakings, the several undertakings shall continue under their existing management, and nothing in this Agreement shall be construed as affecting the right of the Controller to discontinue the control of any undertaking, or any part thereof; except that he shall not discontinue the control of a mine which or any part of which has been closed by his direction.

3. The owner of an undertaking shall be entitled to retain the profits thereof, except that if in any accounting period the profits exceed the profits standard by more than the amount mentioned in section thirty-eight (1) of the Act, the owner shall be entitled to retain only so much of those profits as is equal to the amount of the profits standard plus the amount so mentioned, with the addition thereto of an amount equal to one-fourth part of such excess remaining after the deduction therefrom of a percentage equal to the rate of excess profits duty for the time being in force, and the balance of the profits, less the amount paid or payable for excess profits duty in respect of the accounting period in question, without deduction therefrom of any set off in respect of any other period, shall be paid by the owner to the Commissioners of Inland Revenue as hereinafter provided, and the sums so payable by the owner are in this Agreement referred to as "coal mines excess payments":

Provided that—

(a) if the owner of the undertaking proves that the special standard hereinafter mentioned has been ascertained, and that the payment of the coal mines excess payment or any part thereof would reduce or has reduced the profits retained by him below the special standard, the payment of the coal mines excess payment or such part thereof, where the proof is before the date when the coal mines excess payment becomes payable, shall be remitted, and, where the proof is after that date, if paid, shall be refunded; and

(b) subject as aforesaid, in no case shall the total amount of profits retained under this clause exceed six-fifths of the profits standard plus the amount mentioned in section thirty-eight (1) of the Act; and

(c) where an undertaking forms part only of a trade or business assessed or assessable to excess profits duty the foregoing provisions of this clause shall apply, subject to the following modifications:—

(i) the profits standard for the undertaking shall be a standard determined in accordance with the Act based on so much of the profits or losses taken into account in determining the profits standard of the trade or business as may be properly attributable to the undertaking;

(ii) the profits of the undertaking for the accounting period shall be so much of the profits or losses of the trade or business for the accounting period as may be properly attributable to the undertaking;

(iii) for the reference to the amount payable for excess profits duty there shall be substituted a reference to the amount which would have been payable for excess profits duty if the undertaking had been separately assessable to that duty with the profits standard referred to in (i);

(iv) the apportionments under sub-paragraph (c) of this proviso shall be made by the Commissioners of Inland Revenue, subject to the like appeal as in the case of questions arising under the Act.

4. Where as respects any accounting period the profits of any undertaking retained by the owner are less than the guaranteed standard as hereinafter defined, or if there is a loss or the loss is greater than the guaranteed standard, when that standard is a negative quantity, such sum as may be required to make up the guaranteed standard, shall, subject to the provisions of clause 13, be paid to the owner by the Controller.

5. For the purposes of sub-paragraph (a) of the proviso to clause 3, and of clause 4, profits retained, and for the purposes of clause 4, loss,



shall be profits or loss after taking into account any refund of excess profits duty on account of the deficiencies in the accounting period attributable to the undertaking and any refund of coal mines excess payment.

6. If the stock of coal at the end of the period of control of any undertaking is in excess of that at its commencement, the profit or loss on such excess when sold, as compared with the valuation in the balance sheet at the end of the period of control, shall for the purpose of determining the amount to be paid to make up the guaranteed standard in respect of the last accounting period be brought to account as though the realization had taken place in that period.

7. The expression "The Guaranteed Standard" means—

(a) when the output of the undertaking in any accounting period is not less than the standard output, the profits standard; or

(b) where the output of the undertaking in any accounting period is less than the standard output, but amounts to at least 65 per cent. thereof, the profits standard reduced by a percentage thereof equal to three-fourths of the percentage of the reduction of output; or

(c) where the output of the undertaking in any accounting period is less than 65 per cent. of the standard output, the profits standard subject to such reduction as may be fixed under clause 10.

8. (1) If at any time, in the case of any undertaking, it appears to the Controller, either on his own motion or on the motion of the owner, that there is no profits standard or that the profits standard as ascertained under the Act cannot fairly be applied, the Controller shall fix, for the purpose of ascertaining the guaranteed standard, or the special standard, as a substitute for the profits standard, a sum equal to the average annual profits which might have been actually earned during the standard period—

(a) had the undertaking been worked during the standard period under similar conditions in all respects excluding conditions due to the war to those under which the undertaking is worked in the accounting period; and

(b) in the case of an undertaking which or part of which in the standard period was in course of development had the undertaking or such part thereof been as fully developed in that period as in the accounting period;

and, if it appears that the undertaking would have been run at a loss, the sum so fixed may be a negative quantity.

(2) In any case of hardship where a fair substitute for the profits standard cannot be fixed in accordance with the provisions of the foregoing sub-clause, the owner may apply to the Controller to fix a substitute without regard to those provisions, and if the Controller grants the application he shall fix such substitute for the profits standard as he thinks fair in the circumstances, and the amount so fixed shall be subject to appeal as provided by clause 11 hereof, but if the Controller refuses the application his decision shall be final.

9. The expression "The Special Standard" means the sum fixed as a substitute for the profits standard under clauses 8 or 11 hereof, with the addition thereto of the amount mentioned in section thirty-eight (i) of the Act, and of an amount equal to one-fourth part of the excess of the profits of the undertaking over such substitute (plus such addition) remaining after deducting from such excess a percentage equal to the rate of excess profits duty for the time being in force.

10. If the output of the undertaking in any accounting period is less than sixty-five per cent. of the standard output, the guaranteed standard shall be the profits standard, subject to such reduction as the Controller may fix, and may be a sum varying according to the output: provided that—

(a) so far as the decrease in output is due to action by the Controller not common to the whole of the coal industry under his control, the guaranteed standard shall be calculated at a rate per ton of output, regard being had only to the tonnage which would have been raised and the comparative cost of raising it had there been no such action by the Controller, and shall be greater than that which would be fixed if the rule for ascertaining the guaranteed standard in the case of an undertaking where the reduction of output was thirty-five per cent. or less applied, so however that the guaranteed standard shall in no such case exceed the amount which would have been the guaranteed standard if the reduction of output had been thirty-five per cent.; and

(b) so far as the decrease in output is due to any other cause, the guaranteed standard shall be less than would have been fixed if the said rule applied, and shall be calculated at a rate per ton of output, regard being had only to the tonnage raised and what it would have cost to raise such tonnage in the standard period;

(c) in either case, if a mine is closed, the guaranteed standard shall not include any sum in respect of the cost of maintaining the mine in a state of repair or of reopening it or any rent, royalties, wayleaves, management or other similar charges, in respect thereof.

11. If the owner of any undertaking feels aggrieved at the refusal of the Controller to fix a substitute for the profits standard under sub-clause (1) of clause 8, or at the amount fixed by him under either sub-clauses (1) or (2) of clause 8, or under clause 10, he may appeal to the Board of Referees appointed under the Act, who shall determine their procedure in hearing and disposing of any such appeal, and that Board may either confirm or revoke the decision of the Controller, or, where an amount has been fixed by the Controller, may vary, whether by way of increase or decrease, the amount so fixed, so however that in making

such variation the Board shall be subject to the limitations imposed by this agreement on the Controller in fixing the amount, and the decision of the Board shall be final.

12. Where an undertaking is subject to control during part only of an accounting period the profits standard or the special standard, as the case may require, and the guaranteed standard and any other sums brought into account in calculating the sums retainable under clause 3 or payable under clause 4 shall, for the purposes of applying this agreement to such part of such accounting period, be proportionately reduced, and the profits for that period shall be apportioned between the parts of the period before and after the date of the commencement of the control in proportion to the number of months or fractions of months in those parts respectively.

13. Any profit retained by the owner under clause 3 of this Agreement in any accounting period in excess of the guaranteed standard, except in so far as such profits may be made up by a refund of excess profits duty on account of deficiencies in that period, shall be set off against any amount to be paid to the owner under clause 4 of this Agreement to make up the guaranteed standard in respect of any subsequent accounting period, and any sum paid under clause 4 to the owner to make up the guaranteed standard in respect of any accounting period shall be made good out of any excess over the guaranteed standard which the owner is entitled under clause 3 to retain in respect of any subsequent accounting period.

14. If the owner of a mine intends to close or abandon the mine or any part thereof he shall give to the Controller not less than sixty days' notice of his intention, and if before the expiration of the notice the Controller directs that the mine or such part thereof shall not be closed or abandoned, the mine shall continue to be carried on in accordance with the direction of the Controller, and thereupon the guaranteed standard applicable to the particular undertaking shall forthwith by agreement between the Controller and the owner, or failing such agreement, then by the Board of Referees appointed under the Act be revised and fixed at such an amount (positive or negative) as will under the operation of clause 4, indemnify the owner against any loss caused to him by continuing to carry on the mine or such part thereof which he would not have suffered if he had been permitted to close or abandon the mine or such part thereof.

If no such directions are given by the Controller, the mine or such part thereof as aforesaid, shall, unless otherwise agreed between the Controller and the owner, be closed at the expiration of the notice, or abandoned at the earliest date at which the owner shall have power to abandon it under the conditions of his tenure, and in such case if the mine or part thereof closed or abandoned does not constitute the whole undertaking, then such revision shall be made in the amount of the guaranteed standard of the remainder of the undertaking as may be agreed between the Controller and the owner, or settled, in default of such agreement, by the said Board of Referees.

15. Except as otherwise provided in this Agreement, and so far as not repugnant thereto, profits shall be the amount of the profits as determined or determinable, under the Act and excess of profits over the profits standard for the purposes of this Agreement shall be computed and coal mines excess payments shall be assessed and collected by the Commissioners of Inland Revenue in like manner as the excess of profits over the profits standard for the purposes of excess profits duty is computed and payments of that duty are assessed and collected, and the provisions of the Act (including those relating to appeals) shall apply accordingly:

Provided that no excess profits duty paid in respect of a period prior to the time when the control of the undertaking in question commenced shall be repayable by reason of any deficiency created by coal mines excess payments in respect of any period whilst the undertaking was subject to control, nor shall any coal mines excess payment be applied to make good deficiencies or losses for which excess profits duty would be repayable.

16. Nothing in this Agreement shall prevent coal mines excess payments or any repayments thereof being treated for purposes of income tax as payments and repayments of excess profits duty are treated under section thirty-five of the Act, nor shall this Agreement—

(a) confer any right to have the profits retained under clause 3 together with any further sums received under clause 4 to make up the guaranteed standard treated for the purpose of income tax, super-tax, or excess profits duty otherwise than as the profits of carrying on the trade or business; or

(b) be deemed to constitute any claim for an amendment of an assessment under section one hundred and thirty-three or section one hundred and thirty-four of the Income Tax Act, 1942, nor to affect any such claim which, but for this Agreement, the owner would have been entitled to make under either of those sections.

17. The owner of every undertaking shall keep and furnish to the Controller at such times and in such form as the Controller may determine such cost accounts, trading accounts, and balance sheets and other accounts as the Controller may require, audited and verified in such manner as he may direct, and if part only of the undertaking is under the control of the Controller, entirely separate accounts of the portion of the undertaking under such control shall be kept, and the price charged on departmental transactions between the controlled portion of the undertaking and any other portion thereof shall be on a commercial basis, and such as may from time to time be approved by the Controller.

18. The Controller or any person appointed by him in that behalf

may require the owner of any undertaking and any director, manager, or officer of the undertaking to furnish any information which may be reasonably required by the Controller for the purposes of this Agreement, and may inspect and take copies of any books, plans, and documents relating to the undertaking, and every such owner, director, manager, and officer shall furnish to the Controller or any person appointed by him all such information as aforesaid, and shall produce all such books, plans, and documents as may be in his possession or under his control, and shall afford to such person all reasonable facilities for inspecting the same.

19. No objection shall be taken to the Commissioners of Inland Revenue making available to the Controller any information acquired by them for the purposes of income tax or excess profits duty which may be desired by the Controller for the purposes of this Agreement.

20. Any information obtained under clauses 17, 18 or 19 shall be treated as strictly confidential, and shall be used only for the purposes of His Majesty's Government or any department thereof, and no person who obtains any such information shall disclose or make use of any such information for any other purpose.

21. For the purpose of providing for the expenses of maintaining (including any rent, royalties, wayleaves, management, or other similar charges in respect thereof), and of reinstating, when reopened, any mine in any district or group of districts hereinafter referred to which may be closed by the direction of the Controller, so far as such expenses remain unprovided for after all refunds of excess profits duty arising through such expenses of maintenance and reinstatement have been exhausted, the Controller shall from time to time, on the application of any association of colliery owners in any district or of any group of such associations in several districts, cause a levy to be made on the owners of all undertakings under his control in such district or districts at such rate per ton on the output as may be specified in such application, and every such owner shall pay the amount due by him under such levy.

The proceeds of such levy shall be paid into a fund under the control of the Controller who shall thereout pay to the association or associations on whose application the levy shall have been made, such sums as may be from time to time certified by such association or group of associations to be required for the purposes aforesaid.

The output on which any particular levy under this clause is to be payable shall be the output in the last completed calendar year before the levy is made, but at the end of the period of control the Controller shall make such adjustments as may be necessary to make the total amount paid by the several owners such as would have been payable had each levy been made on the average annual output during the period of control.

The owner of any mine which is closed whilst the mine is under control shall, if the mine is situated elsewhere than in a district in respect of which an application has been made under this clause, not be entitled to any compensation in respect of such expenses as aforesaid.

If the total net amount paid as coal mines excess payments under clause 3 during the whole period of control is certified by the Controller on the termination of control to exceed the total amount paid by him under clause 4, together with his administrative expenses, the surplus shall be applied by him in reimbursing the fund created under this clause to the extent of forty per cent. of the amounts paid thereout under the provisions of this clause.

The balance, if any, standing to the credit of any association or group of associations in the fund, including the sums paid by way of reimbursement as aforesaid, after defraying all such expenses as aforesaid, shall be the property of and paid over to the association or group of associations.

The Controller shall invest any sums which may from time to time be standing to the credit of any association or group of associations in the fund as are not immediately required for such purposes as aforesaid in such Government securities as the Controller may think fit, and may vary such investments from time to time.

If at the end of the period of control the purposes for which the said fund is created have not been fully satisfied the administration of the fund and the powers of the Controller under this clause shall be transferred to such person as the Board of Trade may appoint for the purpose.

The amount payable in respect of a levy under this clause shall not be treated for the purposes of this Agreement as part of the expenses of carrying on an undertaking.

22. No dividends shall be paid and no loans repaid in respect of any undertaking without the consent of the Controller.

23. If any dispute arises under this agreement between the Controller and the owner with respect to which the decision of the Controller is not expressly made final, and no other method for the settlement thereof is provided under this Agreement, the dispute shall be referred to the arbitration of a single arbitrator appointed in England by the Lord Chief Justice of England, or in Scotland by the Lord President of the Court of Session of Scotland, or in Ireland by the Lord Chief Justice of Ireland.

24. The terms of this Agreement shall be taken to be in full satisfaction of all claims for compensation arising in the period of the operation of this Agreement in respect of the orders of the Board of Trade dated

the 29th day of November 1916 and the 22nd of February 1917, or any thing done thereunder.

25. This Agreement shall be deemed to have come into operation,—

(a) in the case of mines controlled under the order of the Board of Trade dated the 29th November 1916 as from the 1st day of December 1916; and

(b) in the case of mines controlled under the order of the Board of Trade dated the 22nd February 1917, as from the 1st day of March 1917;

and may be determined by the Controller on or at any time after the first day of October nineteen hundred and seventeen.

Resolved as follows on the twenty-first day of June, nineteen hundred and seventeen, by the Executive Council of the Mining Association of Great Britain:—

"That this meeting records its view that the terms of the agreement with the Controller of Coal Mines should be further modified, but leaves to the Consultative Committee full power to make a definite settlement on the best possible obtainable terms."

Subsequently, between the said twenty-first day of June and the twentieth day of July, nineteen hundred and seventeen, a definite settlement in the terms of the foregoing agreement was arrived at between the Controller of Coal Mines and the said Consultative Committee.

(Signed) GUY CALTHROP,  
Controller of Coal Mines.

(Signed) ADAM NIMMO,  
President of the Mining Association of Great Britain.

(Signed) REGINALD GUTHRIE,  
Secretary of the Consultative Committee.

The twentieth day of July, 1917.

## CHAPTER 57.

### BISHOPRICS OF BRADFORD AND COVENTRY ACT, 1918.

An Act to provide for the foundation of Bishoprics of Bradford and Coventry and for matters incidental thereto.

[6th February, 1918.]

## CHAPTER 58.

### WILLS (SOLDIERS AND SAILORS) ACT, 1918.

An Act to amend the Law with respect to Testamentary Dispositions by Soldiers and Sailors.

[6th February, 1918.]

Be it enacted, &c.:—

1. *Explanation of s. 11 of 7 Will. 4. & 1 Vict. c. 26.*—In order to remove doubts as to the construction of the Wills Act, 1837, it is hereby declared and enacted that section eleven of that Act authorises and always has authorised any soldier being in actual military service, or any mariner or seaman being at sea, to dispose of his personal estate as he might have done before the passing of that Act, though under the age of twenty-one years.

2. *Extension of s. 11 of Wills Act, 1837.*—Section eleven of the Wills Act, 1837, shall extend to any member of His Majesty's naval or marine forces not only when he is at sea but also when he is so circumstanced that if he were a soldier he would be in actual military service within the meaning of that section.

3. *Validity of testamentary dispositions of real property made by soldiers and sailors.*—(1) A testamentary disposition of any real estate in England or Ireland made by a person to whom section eleven of the Wills Act, 1837, applies, and who dies after the passing of this Act, shall, notwithstanding that the person making the disposition was at the time of making it under twenty-one years of age or that the disposition has not been made in such manner or form as was at the passing of this Act required by law, be valid in any case where the person making the disposition was of such age and the disposition has been made in such manner and form that if the disposition had been a disposition of personal estate made by such a person domiciled in England or Ireland it would have been valid.

(2) A testamentary disposition of any heritable property in Scotland made after the passing of this Act by a person to whom section eleven of the Wills Act, 1837, applies or to whom it would apply if he were domiciled in England, shall not be invalid by reason only of the fact that such person is under twenty-one years of age, provided always that he is of such age that he could, if domiciled in Scotland, have made a valid testamentary disposition of moveable property.

4. *Power to appoint testamentary guardians.*—Where any person dies after the passing of this Act having made a will which is, or which, if it had been a disposition of property, would have been rendered valid by section eleven of the Wills Act, 1837, any appointment contained in that will of any person as guardian of the infant children of the testator shall be of full force and effect.

5. *Short title and interpretation.*—(1) This Act may be cited as the Wills (Soldiers and Sailors) Act, 1918.

(2) For the purposes of section eleven of the Wills Act, 1837, and this Act the expression "soldier" includes a member of the Air Force, and references in this Act to the said section eleven include a reference to that section as explained and extended by this Act.



CHAPTER 59.

MIDWIVES (IRELAND) ACT, 1918.

An Act to secure the better training of Midwives in Ireland, and to regulate their practice. (6th February, 1918.)

CHAPTER 60.

NATIONAL REGISTRATION (AMENDMENT) ACT, 1918.

An Act to extend and amend the National Registration Act, 1915. (6th February, 1918.)

Be it enacted, &c. :-

1. *Extension of classes of persons to be registered.*—The register formed under the National Registration Act, 1915 [5 & 6 Geo. 5, c. 60] (hereinafter referred to as the principal Act), shall, in addition to the persons mentioned in section one of that Act, include the following persons :-

(a) All male persons who, not having been liable on the fifteenth day of August, nineteen hundred and fifteen, to register themselves under the principal Act by reason that on that day they were under the age of fifteen years, or were members of some part of His Majesty's naval forces or of His Majesty's regular or territorial forces, have, before the commencement of this Act, attained the said age, or ceased to be members of any of His Majesty's forces, or thereafter attain that age or cease to be members of His Majesty's forces;

(b) All male person who, having been registered under the principal Act, have subsequently joined any of His Majesty's forces, and who before the commencement of this Act have ceased or thereafter cease to be members of any such forces, and all such persons shall be deemed to be persons required to register themselves under the principal Act, and when registered shall be deemed to be registered under the principal Act.

2. *Duties of persons to register.*—(1) It shall be the duty of every male person who, by virtue of this Act, is liable to register himself under the principal Act, or who was liable to register himself under the principal Act but has failed so to do before the commencement of this Act, to cause himself to be registered, and for that purpose before the appointed date to obtain, fill up, sign, and send or deliver to the local registration authority, by post or otherwise, a form containing the particulars mentioned in section four of the principal Act or such of those particulars as may be prescribed, together with particulars as to whether he is or is not a person who has been discharged from His Majesty's forces, and if he is such a person as to the portion of the forces from which he was discharged, and as to such further matters (being matters with respect to which it is desirable that information should be given by persons on registration with a view to their obtaining advantageous employment) as may be prescribed.

The appointed date for the purposes of this section shall, as respects persons who come within the operation of this section on the date of the commencement of this Act, or within fourteen days thereafter, be the twenty-eighth day after that date, and in the case of any other persons be the fourteenth day after the date on which they come within the operation of this section.

(2) Sections five, six, and thirteen of the principal Act (which relate respectively to the completion and correction of forms, to the right to certificates of registration and to penalties) shall have effect as if references therein to forms included a reference to forms under this Act.

3. *Duty of certain persons to notify changes of occupation and loss of certificates.*—(1) If any male person at any time registered under the principal Act changes his profession or occupation so that it ceases to correspond with his profession or occupation as specified in his certificate of registration or, if his profession or occupation is not so specified, with his profession or occupation as on the date when he was registered, he shall within the appointed time notify the change to the local registration authority, and for that purpose send or deliver to that authority, by post or otherwise, his certificate of registration with his new profession or occupation noted thereon, and there shall be supplied to him a fresh certificate of registration, and the change shall be noted in the register.

For the purpose of the foregoing provision any male person registered under the principal Act at the date of the commencement of this Act whose profession or occupation at that date does not correspond with his profession or occupation as specified in his certificate of registration, or if his profession or occupation is not so specified with his profession or occupation as on the date when he was registered, shall be deemed to have changed his profession or occupation as on the date of the commencement of this Act.

The appointed time for the purpose of the foregoing provision means, in the case of a person who changes or is deemed to have changed his profession or occupation on or at any time within fourteen days after the date of the commencement of this Act twenty-eight days from that date, and in the case of any other person fourteen days from the date of the change.

(2) Any male person who has lost his certificate of registration, whether he is required by this section to send his certificate of registration to the local registration authority or not and whether the loss occurred before or after the commencement of this Act, shall, as soon as he becomes aware thereof, notify the loss to the local registration authority of the district in which his place of residence is situate, and for that purpose obtain, fill up, sign, and send or deliver by

post or otherwise to that authority, notice in the prescribed form of the loss, and there shall be supplied to him a fresh certificate of registration.

4. *Amendment of s. 7 of the principal Act.*—(1) Sub-section (1) of section seven of the principal Act (which provides for the notification of changes of address) shall have effect as if for the words "within twenty-eight days" there were substituted the words "within fourteen days," and for the purpose of the said sub-section any person registered under the principal Act at the date of the commencement of this Act whose place of residence at that date does not correspond with his place of residence as specified in his certificate of registration shall be deemed to have changed his place of residence as on that date.

(2) Sub-section (2) of the said section seven (which provides for the registration of unregistered persons arriving in the United Kingdom) shall have effect as if for the words "within twenty-eight days" there were substituted the words "within fourteen days," and for the purpose of the said sub-section any person who arrived in the United Kingdom before the date of the commencement of this Act, and who on or before that date had not given notice of arrival in accordance with the provisions of the said sub-section, shall be deemed to have arrived in the United Kingdom as on that date.

5. *Duty of employer to require production of registration certificates.*—

(1) Any person who on the fifteenth day of February nineteen hundred and eighteen has in his employment any male person between the ages of fifteen and sixty-five who was required to register himself under the principal Act or is liable by virtue of this Act so to register himself, or on or after that date takes into his employment any such male person shall, within seven days after that date, or after taking the male person into his employment, as the case may be, require him to produce his certificate of registration, and if any such male person does not produce his certificate of registration to the employer within a period of seven days after being so required, the employer shall on the expiration of the said period send to the local registration authority in whose district that person is resident notice that that person has so failed to produce his certificate of registration.

(2) If any person taking into or having in his employment any such male person as aforesaid fails to comply with the requirements of this section he shall for each offence be liable, on conviction under the Summary Jurisdiction Acts, to a fine not exceeding five pounds.

6. *Power of constables, &c., to require production of registration certificates.*—(1) Every male person who was required to register himself under the principal Act or who is liable by virtue of this Act so to register himself shall—

(a) If notice requiring the production of his certificate of registration has been given in accordance with the provisions of this section, produce his certificate to the person, and at the time and place, specified by the notice; and

(b) whether any such notice has been given or not, on demand by any police constable, or any person duly authorized in that behalf by the Director-General of National Service, either produce his certificate of registration or give particulars as to his name, address, age and occupation.

(2) Any police constable or other person authorised to demand the production of certificates may, for the purpose of the performance of his duties under this section, at any reasonable time enter any factory, workshop, or business premises and may inspect and take copies of any certificates produced to him.

(3) Any notice for the purpose of this section may be given by any person authorized in that behalf by the Director-General of National Service, and either by delivering it to the person who is to be required to produce his certificate, or by leaving it at that person's place of residence, or by publishing it or causing it to be published at the place where that person is employed in such a manner as is reasonably calculated to bring it to his knowledge, and any such notice may specify a time (not being less than three days from the date of the notice), and a place (not being other than the residence or place of employment of the holder of the certificate), at which the certificate of registration is to be produced.

(4) If any person over the age of eighteen years fails to comply with the provisions of this section or gives particulars which are false in any respect, or obstructs any person in the exercise of his powers under this section, he shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding five pounds.

7. *Provisions as to females.*—(1) It shall be lawful for His Majesty by Order in Council to extend to female persons any of the provisions of this Act applicable only to male persons, other than the provision requiring a person on demand by a police constable or any other duly authorized person either to produce his certificate of registration or give particulars, subject to such modifications in dates as may be fixed by the Order.

(2) Every Order in Council made under this section shall be laid before each House of Parliament forthwith, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat next after the order is laid before it praying that the order may be annulled, His Majesty in Council may annul the order and it shall thenceforth be void, but without prejudice to the validity of anything done thereunder.

8. *Duties of local registration authorities.*—It shall be the duty of every local registration authority to take all such steps as are necessary

for securing the due registration of all persons within their district required by this Act to cause themselves to be registered under the principal Act, and for securing the performance by all persons of their duties under this Act.

9. *Certain duties to be continuing duties.*—The duty of a person to cause himself to be registered under the principal Act or when so registered to notify any change of his profession or occupation or of his place of residence or the loss of his certificate of registration shall be a continuing duty, and shall not be deemed to be extinguished by reason only that he has failed so to do before the appointed date or within the time allowed for the purpose and has thereby incurred a penalty.

10. *Consent of the Director-General of National Service to prosecutions and provisions as to continuing offences.*—(1) A prosecution for an offence under this Act or under the principal Act shall not be instituted in England except with the consent of the Director-General of National Service.

(2) Sub-section (3) of section thirteen of the principal Act shall have effect as if there were inserted at the end thereof the words "after conviction."

11. *Saving for persons over sixty-five.*—Nothing in this Act or the principal Act shall impose any obligation on any person being over the age of sixty-five years to cause himself to be registered, or to notify any change of his profession or occupation or of his place of residence or the loss of his certificate of registration.

12. *Short title, construction and commencement.*—(1) This Act may be cited as the National Registration (Amendment) Act, 1918, and shall be construed and have effect as if it were part of the principal Act, and that Act and this Act may be cited together as the National Registration Acts, 1915 and 1918.

(2) This Act shall come into operation on the twenty-first day after the passing thereof.

## CHAPTER 61.

### METROPOLITAN POLICE ACT, 1918.

An Act to amend the Metropolitan Police Act, 1912.

[6th February, 1918.]

## CHAPTER 62.

### NATIONAL HEALTH INSURANCE ACT, 1918.

An Act to amend the Acts relating to National Health Insurance.

[6th February, 1918.]

Be it enacted, &c. :—

## PART I.

### FINANCIAL PROVISIONS.

1.—*Amendment of s. 55 (3) of principal Act.*—(1) The sum to be retained by the Insurance Commissioners under sub-section (3) of section fifty-five of the National Insurance Act, 1911 [1 & 2 Geo. 5, c. 55] (in this Act referred to as "the principal Act"), out of each weekly contribution shall, in the case of an insured person being a woman, be one penny and one-sixth instead of one penny halfpenny.

(2) The sums retained by the Insurance Commissioners under the said sub-section shall, instead of being wholly applied towards discharging the liabilities of the Insurance Commissioners to approved societies in respect of reserve values, be applied in carrying to the Contingencies Fund and the Central Fund hereinafter constituted, amounts calculated in accordance with the provisions of the First Schedule to this Act, and the balance only shall be applied in discharging such liabilities as aforesaid and apportioned amongst societies in manner provided by sub-section (4) of the said section:

Provided that if, at any time it appears to the National Health Insurance Joint Committee that, after taking into account the necessity of creating a proper reserve, the sums standing to the credit of the Central Fund are more than sufficient for the purposes for which that fund is established, the Committee may by regulations provide for decreasing the amounts to be carried to that fund and making a corresponding increase in the amounts to be carried to the Contingencies Fund.

2.—*Women's Equalization Fund.*—(1) There shall be established under the control of the National Health Insurance Joint Committee a fund to be called the Women's Equalization Fund and to be applied in assisting approved societies in meeting their liabilities in respect of the sickness claims of women.

(2) There shall in each year be charged on the Women's Equalization Fund and distributed among approved societies in manner provided by a scheme to be made by the National Health Insurance Joint Committee, with the approval of the Treasury, such sum, not exceeding eight shillings in respect of each of the total number (calculated in the prescribed manner) of married women who are members of approved societies and who are employed contributors, as may be ascertained in accordance with the said scheme.

(3) Subject as hereinafter provided, there shall in respect of each year be carried to the Women's Equalization Fund out of moneys provided by Parliament such sum as will suffice to meet the charges thereon:

Provided that the sum to be carried to the Fund in respect of each of the years nineteen hundred and thirteen, nineteen hundred and fourteen, nineteen hundred and fifteen, and nineteen hundred and six-

teen, shall, instead of being provided as aforesaid, be provided out of the moneys voted by Parliament before the commencement of this Act in aid of the provision of sickness benefit for women, and in so far as the moneys so voted are insufficient to meet the aggregate charges on the fund in respect of those four years shall be provided out of the moneys applicable towards discharging the liabilities of the Insurance Commissioners to approved societies in respect of reserve values.

(4) All sums distributed among societies under this section shall be available for the payment of benefits, and shall, for the purposes of section three of the principal Act, be deemed to have been derived from contributions made in respect of contributors notwithstanding that they are derived in whole or in part from moneys provided by Parliament.

3.—*Contingencies Funds and Valuation.*—(1) The Insurance Commissioners shall periodically apportion amongst the several societies the sums by this Act directed to be carried to the Contingencies Fund in the case of men in proportion to the number of contributions credited in respect of the members of those societies respectively who are men, and the sums by this Act directed to be carried to the Contingencies Fund in the case of women in proportion to the number of contributions credited in respect of the members of those societies respectively who are women, and the sums so apportioned to any society shall, with the proper proportion of the accumulations of interest on the amount from time to time standing to the credit of the fund, form the contingencies fund of the society, and be available for making good any deficiency of the society or of the branches thereof in manner hereinafter appearing, and no part of any surplus of any society or branch disclosed on a valuation shall be applied towards making good any deficiency in any other society or branch.

(2) If on the valuation of a society without branches a deficiency is disclosed, the sums standing to the credit of the contingencies fund of the society shall be applied towards making good the deficiency; and if no deficiency is so disclosed, or if the sums standing to the credit of the contingencies fund are more than sufficient to make good that deficiency, the sums standing to the credit of that fund or the balance thereof shall, subject to the provisions of this section with respect to small societies, be carried to the benefit fund of the society, but any amount so carried shall not be treated for the purposes of section thirty-seven of the principal Act as forming part of any surplus found at that valuation.

In this section the expression "benefit fund" means the fund out of which benefits payable by the society or branch are provided.

(3) If on the valuation of any society with branches a deficiency is disclosed in the case of any one or more branches of the society, the central authority of the society shall apply the sums standing to the credit of the contingencies fund of the society towards making good those deficiencies, except that, if satisfied that any part of a deficiency is due to any maladministration by the branch in question, the central authority may, with the consent of the Insurance Commissioners, refuse so to make good at all or in part that part of the deficiency.

If there are no deficiencies, or if the sums standing to the credit of the contingencies fund are more than sufficient to provide for the total amount of the deficiencies made good under the foregoing provision, the fund or the balance of the fund shall, subject to the provisions of this section relating to small societies, be apportioned amongst the several branches in proportion to the amounts paid into the fund in respect of contributions of members of those branches respectively since the commencement of the principal Act, or since the last valuation, as the case may be, but where there was a deficiency in the case of any branch the amount so paid into the fund in respect of contributions of members of that branch shall for the purpose of this provision be deemed to be reduced by the amount (if any) applied towards making good the deficiency.

The amount so apportioned to any branch shall be applied and dealt with as follows:—

(a) If there was a deficiency in the case of the branch and any part thereof was not discharged out of the contingencies fund of the society as being due to maladministration, the amount shall be applied towards making good that deficiency;

(b) Subject as aforesaid the amount shall be carried to the benefit fund of the branch, but any amount so carried shall not be treated for the purposes of section thirty-seven of the principal Act as forming part of any surplus found at that valuation.

(4) Regulations of the National Health Insurance Joint Committee shall provide, in the case of societies which at the date as at which a valuation is made have not joined an association formed or recognised under this section and have less than one thousand members, for applying pro rata to such extent, not exceeding one half, as may be necessary, any balances of the contingencies funds of those societies not required for making good deficiencies in those societies under the foregoing provisions of this section towards making good pro rata the balances of the deficiencies remaining in the case of other such societies after the application of the contingencies funds of those societies in accordance with the foregoing provisions of this section, subject, nevertheless, to the power of the Insurance Commissioners to refuse to allow to be made good either at all or in part any part of any deficiency which in their opinion is due to maladministration:

Provided that the Insurance Commissioners shall exempt from this sub-section any society consisting of persons entitled to rights in a superannuation or other provident fund established for the benefit



of persons employed by one or more employers, if the employer in addition to the contributions payable by him under Part I. of the principal Act is responsible for the solvency of the fund or for the benefits payable thereout, or is liable to pay a substantial part of, or to make substantial contributions to, or substantially to supplement the benefits payable out of the fund, and this sub-section shall not apply to any society so exempted.

(5) The Insurance Commissioners may make regulations providing for the formation within the prescribed time for the purposes of this section of associations with central financial committees, and prescribing the conditions on which, and the time within which, a society shall be entitled or allowed to join, or having joined to secede from, an association, and the manner in which, and the conditions on which, such an association may be dissolved; and those regulations shall provide for recognizing as an association formed for the purposes of this section any association which was formed for the purposes for which provision was made by section thirty-nine of the principal Act and was in existence on the first day of January nineteen hundred and eighteen, or which was on that date in the course of being so formed, if in the opinion of the Insurance Commissioners the association is such that they could properly have consented to its formation under the said section.

Where such an association has been formed this section shall, subject to such adaptations as may be prescribed, apply as though the association were a society with branches and the associated societies were the branches of the society and the contingencies fund of the associated societies formed the contingencies fund of the society.

Except so far as relates to the power of refusing to allow any part of a deficiency due to maladministration to be made good out of any contingencies fund, nothing in this sub-section shall be construed as conferring on any central financial committee any powers of control over the administration of any society.

If at the date, as at which any valuation is made the aggregate number of the members of the societies in any association is less than five thousand, those societies shall, for the purposes of this section, be treated in relation to that valuation as if they had not been associated.

(6) If in the case of a society consisting of persons entitled to rights in a superannuation or other provident fund established for the benefit of persons employed by one or more persons the employer is responsible for the solvency of the fund, or for the benefits payable thereout, he shall not, in the event of a deficiency being disclosed on a valuation of the society, be required to make good the deficiency or to make up to their full amount the benefits payable out of the fund except in so far as the contingencies fund of the society is insufficient for the purpose, but save as aforesaid nothing in the provisions of this section shall affect any obligation in relation to such society undertaken by the employer whereby he becomes responsible for the solvency of the fund or for the benefits payable thereout, or liable to pay a substantial part of, or to make substantial contributions to or substantially to supplement the benefits payable out of the fund.

(7) The powers conferred by the proviso to sub-section (1) of section sixteen of the National Insurance Act, 1913 [3 & 4 Geo. 5, c. 37], may, subject to the consideration by the National Health Insurance Joint Committee of any submission made by the governing body of the society, be exercised on representations made within six months after the passing of this Act in like manner as they were authorized to be exercised on representations made within six months after the passing of that Act, so, however, that any separation of funds required to be made in consequence of the exercise of the said powers under this section shall not take effect until after the first valuation, and shall be carried out in such manner as the Committee may direct; and where, on a representation made within six months after the passing of the first-mentioned Act, the National Health Insurance Joint Committee have exercised in respect of a society the powers conferred on them by that proviso, they may, on a representation being made within six months after the passing of this Act, reverse their decision, if they are satisfied in manner provided by that proviso that the members of the society resident in the part of the United Kingdom affected desire the decision to be reversed, and that the governing body of the society assent thereto.

(8) The normal intervals between valuations of societies shall be five instead of three years.

4. *Central Fund.*—(1) There shall be established under the control of the National Health Insurance Joint Committee a fund to be called the Central Fund, to which shall be carried in respect of each year, beginning with the year nineteen hundred and seventeen, out of moneys provided by Parliament, the sum of one hundred and fifty thousand pounds, together with the sums which under this Act are directed to be carried to that fund, and all accumulations of interest on the money for the time being standing to the credit of that fund.

(2) If on the valuation of any society or any branch of a society, the society or branch is found in deficiency, and the sums in any contingencies funds available to make good that deficiency are not sufficient, the Committee, if satisfied that the deficiency is due in whole or in part to an abnormal rate of sickness amongst the members of the society or branch attributable to the nature of their employment or environment or their physical condition or any epidemic disease, or is due to the rate of sickness being abnormal by reason of the small membership of the society or branch or is due to any other special cause beyond the control of the society or branch, may, out of the Central Fund,

make good the whole or any part of the deficiency not so made good as aforesaid.

(3) For the purpose of determining whether the claim of any society or branch for relief out of the fund should be granted, the Committee shall, if so requested by the society or in the case of a branch by the central authority of the society, appoint an independent body, constituted in accordance with regulations made by the Committee, to investigate the circumstances to which the deficiency was attributable, and in determining whether and to what extent relief should be granted out of the fund to the society or branch shall have regard to the report of such investigating body.

5. *Minor amendments.*—The amendments specified in the second column of the Second Schedule to this Act, which relate to minor details, shall be made in the provisions of the principal Act specified in the first column of that Schedule.

6. *Operation of Part I.*—Save as otherwise expressly provided this Part of this Act shall be deemed to have had effect as from the commencement of the principal Act, and accordingly the principal Act shall be deemed always to have had effect subject to the provisions of this Part of this Act.

## PART II.

### GENERAL AMENDMENT.

7. *Qualifications for becoming, and rate of contribution payable by, voluntary contributors.*—(1) The persons not employed within the meaning of Part I. of the principal Act, who are entitled to be or become voluntary contributors under Part I. of the principal Act, shall, instead of being the persons specified in sub-section (3) of section one of that Act, be the following persons, that is to say:—

(a) All persons who, having been employed within the meaning of Part I. of the principal Act and insured as employed contributors for a period, whether continuous or not, of one hundred and four weeks or upwards, have ceased, whether before or after the commencement of this Act, to be employed contributors, and who give notice within the prescribed time and in the prescribed manner that they desire to become voluntary contributors; and

(b) All persons engaged in any excepted employment as respects whom the Insurance Commissioners are satisfied that in the special circumstances they should be allowed to be voluntary contributors; and

(c) All persons who were insured as voluntary contributors on the first day of January nineteen hundred and eighteen, or who having at any previous time been insured as voluntary contributors ceased to be so insured by reason of becoming employed contributors and were insured persons at that date, and have in either case since that date continued to be insured persons.

(2) The contributions payable by voluntary contributors shall be payable at the employed rate and shall be paid at weekly or other prescribed intervals:

Provided that in the case of a voluntary contributor resident in Great Britain who is not entitled to receive medical benefit, the weekly contribution which would otherwise have been payable shall be reduced by one penny halfpenny, and there shall be credited to the society of which such a voluntary contributor is a member, or if he is a deposit contributor to the Deposit Contributors Fund, the difference between the amount of the contributions actually paid by him at the reduced rate and the amount which would have been paid if those contributions had been at the full rate, and the amount of that difference shall be treated as having been expended on benefits and the proper proportion thereof shall accordingly be paid out of moneys provided by Parliament.

(3) For the purposes of the provisions of Part I. of the principal Act relating to reserve values, all persons who being members of an approved society were insured as voluntary contributors on the date aforesaid, and who continue to be so insured and to be members of an approved society after the passing of this Act, shall be deemed to have joined that society at the commencement of this Act, and subject to the existing transfer values of those persons reserve values shall be credited to societies accordingly, and the words "other than a voluntary contributor who entered into insurance within sixty-five weeks after the commencement of this Act and at the date of that entry was of the age of forty-five years or upwards" in sub-section (3) of section fifty-five of the principal Act, as amended by section two of the National Insurance Act, 1913, are hereby repealed, and that section shall as from the commencement of this Act be construed and have effect accordingly.

8. *Exemption for persons intermittently employed.*—Where any person who is or may thereafter be employed within the meaning of Part I. of the principal Act proves that he has not been so employed for the prescribed number of weeks during any prescribed period, he shall be entitled to an exemption certificate under section two of that Act.

9. *Payment of contributions payable in respect of low-wage earners.*—Where under the provisions of the principal Act any part of the contribution payable in respect of an employed contributor is payable out of moneys provided by Parliament, the amount so payable shall be paid in the first instance by the employer, and every employer who proves to the satisfaction of the Insurance Commissioners within the prescribed time that he has paid any sums in pursuance of the foregoing provision shall on making application in the prescribed manner be entitled to be repaid those amounts by the Commissioners:

Provided that if and so long as any special arrangements made by the Irish Insurance Commissioners are in force in Ireland with respect to the collection of contributions payable in respect of out-workers, the

provisions of this section shall apply as regards the employers of out-workers in Ireland with such modifications as may be prescribed.

10. (1) *Rate of employer's contribution in case of employee holding certificate of exemption.*—Contributions payable by an employer under sub-section (4) of section four of the principal Act shall in every case except where the person employed is a master, seaman, or apprentice to the sea service or the sea fishing service, serving on a foreign-going ship or a ship engaged in regular trade on foreign stations, be at the rate of three pence per week instead of at the rate payable under the provisions of that sub-section.

(2) In the application of this section to Ireland two pence halfpenny shall be substituted for three pence.

11. *Conditions for receipt of maternity benefit.*—Paragraph (d) of sub-section (8) of section eight of the principal Act (which relates to the conditions for receipt of maternity benefit) shall, as respects persons entering into insurance after the passing of this Act, have effect as if for the words "twenty-six or in the case of a voluntary contributor "fifty-two weeks" there were substituted the words "forty-two weeks," and as if for the words "twenty-six or in the case of a voluntary contributor fifty-two weekly contributions" there were substituted the words "forty-two weekly contributions."

12. (1) *Amendments with respect to sickness benefit.*—Unless and until one hundred and four weeks have elapsed since the entry of an insured person into insurance and at least one hundred and four weekly contributions have been paid by or in respect of that person, the rate of sickness benefit to which that person shall be entitled shall, subject to the provisions of any regulations made by the Insurance Commissioners for allowing a higher rate to such classes of persons, being persons who entered into insurance before the commencement of this Act, as may be prescribed, be in the case of a man six shillings a week, and in the case of a woman five shillings a week, instead of the rates specified in Table A. of Part I. of the Fourth Schedule to the principal Act.

(2) Where an insured person who claims to be entitled to sickness or disablement benefit fails to give notice of the disease or disablement within three days from the commencement thereof, benefit shall in his case, subject as hereinafter provided, commence only on the day following the date on which the notice is given, or, if the disease or disablement is under the provisions of sub-section (5) of section eight of the principal Act deemed to be a continuation of a previous disease or disablement, on the day next but one before that date:

Provided that if in the case of any insured person the society or committee administering the benefit are satisfied, or if in the case of a dispute it is decided in manner provided by the principal Act, that in the circumstances of the case he was not reasonably able to give notice either before the date on which it was in fact given, or before some earlier date being a date more than three days after the commencement of the incapacity, he shall be entitled to benefit commencing on the fourth day of the incapacity or, in the case of a disease or disablement which is deemed as aforesaid to be a continuation of a previous disease or disablement, commencing on the first day of the incapacity, so, however, that where the insured person only proves inability to give notice before some date earlier than the date on which notice was in fact given he shall not be entitled to benefit for the period commencing on the day next after that earlier date and ending on the date of the notice.

For the purposes of this sub-section notice sent by post shall be deemed to have been given on the day on which the letter containing the notice was posted.

(3) Notwithstanding any provision to the contrary in any rule of an approved society or branch of such society, an insured unmarried woman who is pregnant shall not on the ground that her pregnancy was due to misconduct be deprived of any sickness or disablement benefit to which she would but for that provision have been entitled.

(4) Sub-section (2) of section nine of the principal Act is hereby repealed.

13. *Position of insured persons ceasing to be employed or to pay contributions as voluntary contributors.*—(1) Where an insured person, being a member of an approved society, ceases to be employed within the meaning of Part I. of the principal Act, he shall, for a period of twelve months commencing next after the end of the week in which he ceased to be so employed, for all purposes remain an insured person, and shall, until the termination of the year in which he ceases to be an insured person, be entitled to receive medical benefit and sanatorium benefit as if he had continued to be an insured person and a member of an approved society:

Provided that where any such person ceases to be employed as aforesaid by reason of entering on some prescribed class of occupation in connection with the war, not being employment within the meaning of Part I. of the principal Act (in this section referred to as "war occupation"), or by reason of being interned in an enemy country as a prisoner of war or otherwise, he shall, subject to such conditions with respect to payment of contributions and otherwise as may be prescribed, remain an insured person until two months after the termination of the war occupation or internment, as the case may be, or until the expiration of twelve months from the date on which he ceased to be employed as aforesaid, whichever date is the later.

(2) Where an employed contributor in respect of whom less than one hundred and four weekly contributions have been paid ceases to be employed within the meaning of Part I. of the principal Act, he shall, if he proves to the approved society of which he is a member, or if in the case of a dispute it is decided in manner provided by the

principal Act, that he is or was unemployed owing either to incapacity for work due to some specific disease or bodily or mental disablement or inability to obtain employment, be entitled, within and in respect of the prescribed time, to pay contributions in respect of the period of unemployment.

(3) A voluntary contributor being a member of an approved society shall remain for all purposes an insured person for a period of twelve months commencing next after the end of the week in respect of which the last contribution paid by him as a voluntary contributor was paid, and shall, until the termination of the year in which he ceases to be an insured person, be entitled to receive medical benefit and sanatorium benefit as if he had continued to be an insured person and a member of an approved society.

(4) In calculating for the purposes of this section the said period of twelve months no account shall be taken of any period during which the person who has so ceased to be employed or to pay contributions is rendered incapable of work by reason of some specific disease or by bodily or mental disablement of which notice has been given within the prescribed time.

(5) Where any person has ceased to be an insured person he shall, if he subsequently becomes employed within the meaning of Part I. of the principal Act, be treated as if he had not previously been an insured person.

(6) Where any person having been insured as an employed contributor at any time within twelve months before the date of the commencement of this Act ceased to be employed within the meaning of Part I. of the principal Act before that date, or where any person having been insured as an employed contributor at any time since the thirty-first day of July, nineteen hundred and fourteen, ceased before the commencement of this Act to be employed within the meaning of Part I. of the principal Act by reason of entering on war occupation or by reason of being interned as aforesaid, this Act shall apply to him as though it had been in force on the date when he so ceased to be employed, so, however, that such a person shall not, by virtue of this section, be treated as having been entitled to any benefits during any period before the commencement of this Act.

14. *Membership of approved societies.*—(1) Subject to the provisions of this Act, every member of an approved society shall be entitled, on giving the prescribed notice and on complying with the prescribed conditions, to terminate his membership of the society and become a member of another society or a deposit contributor:

Provided that—

(a) No person shall be entitled to terminate his membership except as at the prescribed times, and the prescribed times shall be so fixed as to give opportunities for terminating membership at intervals not greater than twenty-seven weeks;

(b) If an approved society, within thirty days after receiving notice from any member that he desires to terminate his membership, gives notice to the Insurance Commissioners and to the member that it objects to his so doing, and proves to the satisfaction of the Commissioners that the society would be prejudiced in its administration by the retirement of the member, the Commissioners may, if in the circumstances of the case and having regard to the interests of the insured person they think it proper so to do, declare the notice canceled, and in such case the member shall remain a member of the society as if no notice had been given;

(c) Subject to the consent of the Insurance Commissioners any approved society may, during any period not exceeding one year from the date on which the result of a valuation is declared, suspend except in any specified circumstances the right of insured persons who are members of the society to terminate their membership.

(d) If it appears to the Insurance Commissioners at any time as regards any society that, having regard to the interests of the society as a whole, it is not desirable that individual members of the society should be allowed to terminate their membership thereof and that the circumstances are such that the engagements of the society ought to be transferred to another society, they may declare the right of termination of membership to be suspended, and while any such declaration is in force no person shall, except with the consent of the Commissioners, terminate his membership of that society;

(e) A member of an approved society on terminating his membership shall, unless he is a person who entered into insurance within the two years immediately preceding the date on which he gave notice of desire to terminate membership, and has not previously been transferred from some other approved society, pay to the society the prescribed fee.

(2) Where an insured person duly ceases to be a member of one approved society and becomes a member of another approved society, there shall, subject to the provisions of this Act, be transferred to that other society in respect of that person a sum (in this Act called "transfer value") representing the liability under Part I. of the principal Act of the first-mentioned society in respect of that person (exclusive of any liability to provide additional benefits), and calculated in accordance with tables to be prepared by the Insurance Commissioners.

(3) The foregoing provisions of this section shall apply to the termination of membership of a branch of an approved society in like manner as they apply to the termination of membership of an approved society, subject to the following modifications:—

(i) In the case of a person desiring to terminate his membership of a branch for the purpose of transferring to another branch of the same society, proviso (b) to sub-section (1) of this section shall



have effect with the substitution of the central authority of the society for the Insurance Commissioners, and proviso (e) to the said sub-section shall not apply unless the rules of the society so provide; and

(ii) The power under proviso (c) to the said sub-section shall be exercised by the central authority of the society subject to the consent of the Insurance Commissioners.

(4) If any officer, servant, or agent of an approved society directly or indirectly pays or provides, or offers to pay or provide, any fee or part of any fee payable under this section, he shall be liable on summary conviction to a fine not exceeding five pounds.

(5) Any person, being a member of an approved society to whom a certificate of exemption is granted under section two of the principal Act, or who ceases to be an insured person, shall, upon the grant of the certificate or on so ceasing, as the case may be, cease to be a member of the society;

Provided that if any person within one year after so ceasing to be a member of a society becomes an employed contributor, he shall on making application for the purpose within the prescribed time be entitled to be re-admitted as a member of the society, and the society shall re-admit him accordingly.

This sub-section shall apply to any person to whom such a certificate has been granted before, or who having previously been insured is not an insured person at the date of, the commencement of this Act, as if the certificate had been granted or he had ceased to be an insured person on the date of the commencement of this Act.

(6) If any approved society, to whom or to whose duly appointed agent being a person receiving applications for admission to the society any person not being a member of any approved society delivers an application in proper form for admission to the society, does not within a period of three months after the date on which the application is so delivered deliver or send by post to that person a notification that his application has been rejected, that person shall be deemed as on the date of delivery of the application to have been admitted a member of the society.

**15. Transfer values of persons lapsing from insurance.**—(1) If an insured person, being a member of an approved society, ceases to be an insured person, his transfer value shall be carried to a special fund to be called, and in this Act referred to as, the Reserve Suspense Fund.

(2) The Insurance Commissioners may make regulations generally with respect to the administration of the Reserve Suspense Fund, and shall by those regulations provide that the fund shall be kept in two parts, the one relating to the transfer values of insured persons being men, and the other relating to the transfer values of insured persons being women, and that the reserve values to be credited in any year to approved societies in respect of persons joining such societies for the purposes of Part I. of the principal Act, or such portion of those reserve values as may be prescribed, shall be provided out of the sums standing in that year to the credit of the Reserve Suspense Fund instead of in manner provided by section fifty-five of the principal Act, and the balance of those sums remaining after providing for reserve values shall be dealt with and applied in such manner as may be prescribed.

The provisions of sub-sections (3) and (4) of section fifty-four of the principal Act which require the Insurance Commissioners to ascertain what sums standing in the National Health Insurance Fund are available for investment and which regulate the investment of the amount so ascertained and the crediting of interest on investments shall apply to sums standing in the Reserve Suspense Fund as they apply to sums standing in the National Health Insurance Fund.

(3) All sums which having been carried to the credit of the Lapsed Transfer Values Account in pursuance of the regulations made under paragraph (b) of sub-section (1) of section forty-three of the principal Act are standing to the credit of that account at the commencement of this Act, together with any accumulations of interest, shall be transferred to and form part of the Reserve Suspense Fund and that account shall be closed.

(4) Subject to such modifications and exceptions as may be prescribed the principal Act shall be deemed always to have had effect subject to the provisions of this section.

**16. Transfer from approved society to deposit insurance and vice versa.**—(1) If an insured person, being a member of an approved society, ceases to be a member of that society and becomes a deposit contributor, there shall be carried to his credit in the Deposit Contributors Fund such sum as represents, in the opinion of the Insurance Commissioners, the value of the contributions paid by or in respect of him, regard being had in making the calculation to his age and the period during which he has been insured, and a sum equal to the amount, if any, by which his transfer value exceeds the sum so carried to the Deposit Contributors Fund shall be carried to the Reserve Suspense Fund, and so far as that sum represents outstanding reserve value it shall be cancelled.

(2) If an insured person, being a deposit contributor, subsequently becomes a member of an approved society, the amount standing to his credit in the Deposit Contributors Fund shall be carried to the Reserve Suspense Fund, and there shall be charged to that fund and accredited to the society a sum representing the amount which would have been the amount of his transfer value if he had been a member of an approved society instead of a deposit contributor.

Any person so becoming a member of an approved society shall for the purpose of any regulations made under this Act with respect to the benefits of persons in arrears be treated subject to the prescribed modifications as if he had been a member of an approved society since the date of his entry into insurance.

**17. Administration accounts and expenses, and raising of levies.**—Notwithstanding anything in Part I. of the principal Act, the Insurance Commissioners may make regulations—

(a) authorizing any approved society, being a society registered under the Friendly Societies Act, 1896 [59 & 60 Vict. c. 25], under the Trade Unions Acts, 1871 [34 & 35 Vict. c. 31] and 1876 [39 & 40 Vict. c. 22], or under the Industrial and Provident Societies Act, 1893 [56 & 57 Vict. c. 39], which carries on other business (hereinafter referred to as "private business") as well as business under Part I. of the principal Act (hereinafter referred to as "state business"), with the consent of the Insurance Commissioners and subject to any prescribed conditions as to audit or otherwise, either to keep a joint account for the purpose of the administration expenses of both the private business and the state business, or for the purpose of some part of those expenses, or to pay out of the funds standing to the credit of the administration account kept by the society in respect of the state business to the account kept by the society in respect of its private business any sum not exceeding the prescribed amount, upon the terms that all or some part of the administration expenses in connection with the state business shall be defrayed out of the funds standing to the credit of the account kept in respect of the private business, and providing that the provisions of section thirty-five of the principal Act with respect to audit shall not apply in any such case; and

(b) imposing on members of any society who fail to pay within the prescribed time any levy which they are liable to pay such penalty by way of reduction, postponement, or suspension of benefits as may be prescribed by the regulations, and providing for the necessary adjustments in the accounts of the society; and

(c) authorizing, subject to compliance with the prescribed conditions, the carrying forward to the administration account of a subsequent year any deficiency on an administration account which is shown to the satisfaction of the Insurance Commissioners to have arisen out of conditions connected with the present war and to be such as could not reasonably have been prevented without prejudicing the efficiency or welfare of the society; and

(d) authorizing any sums paid by an approved society as on account of benefits to or on behalf of persons not lawfully entitled thereto so far as not recovered to be treated, to such extent and subject to such conditions as may be prescribed, as expenditure on benefits, and providing for charging to the administration account of societies any sums so improperly paid as aforesaid, and neither authorized to be treated as benefits as aforesaid nor recovered; and

(e) extending to the branches of approved societies with or without modification the provisions of any regulations made under this section with respect to approved societies;

Provided that as regards the matters specified in paragraphs (a) and (d) of this section, the power of the Insurance Commissioners to make regulations shall be subject to the consent of the Treasury.

**18. Arrears of contributions.**—(1) The Insurance Commissioners may make regulations—

(a) providing, subject to the provisions of this section, for the reduction, postponement, or suspension of benefits (other than medical or sanatorium benefit) in the case of insured persons who are in arrears, and with respect to the effect and amount of payments made and to be made by insured persons by way of cancelling arrears, and any regulations with respect to the matters aforesaid may make with respect to voluntary contributors provisions differing from those made with respect to employed contributors; and

(b) empowering approved societies to terminate the membership of any person, being a voluntary contributor, whose arrears during the prescribed period exceed the prescribed number, or of any person, being an employed contributor, whose arrears during the prescribed period exceed the prescribed number, and who is entitled to obtain a certificate of exemption under section two of the principal Act as being a person intermittently employed; and

(c) prescribing the date to which any contribution paid by a voluntary contributor who is in arrears is to be allocated, and providing that for any prescribed purposes any such contribution shall be deemed to have been paid on the date to which it is allocated.

(2) For the purpose of any regulations made under this section, any person who has not been employed within the meaning of Part I. of the principal Act for at least the prescribed period in each of two consecutive years, and who for a substantial part of the period during which he was not so employed in each such year was not so employed for some reason other than incapacity for work due to some specific disease or bodily or mental disablement of which notice has been given within the prescribed time or inability to obtain employment within the meaning of Part I. of the principal Act, shall be deemed to be a voluntary contributor.

(3) In calculating arrears of contributions, no account shall be taken of arrears accruing—

(a) during any period during which the person in question was incapable of work by reason of some specific disease or of bodily or mental disablement of which notice was given within the prescribed time; or

(b) in the case of a woman who is herself an insured person, during two weeks before and four weeks after her confinement, or in the case of maternity benefit payable in respect of the posthumous child of an insured person, during the period subsequent to the father's death.

(4) Where the amount of any arrears which accrued due before the passing of this Act in respect of an employed contributor has been reduced in pursuance of the provisions of sub-section (1) of section fifteen

of the National Insurance Act, 1913, no part of any sum paid on account of those arrears shall be retained by the Insurance Commissioners for the purpose of discharging their liabilities in respect of reserve values or otherwise as in this Act provided.

(5) Section seven of the National Insurance Act, 1913, is hereby repealed, and sub-section (2) of that section shall be deemed never to have had effect.

19. *Amendment of s. 11 of principal Act.*—(1) Any society or committee which in pursuance of sub-section (3) of section eleven of the Principal Act has made or intends to make advances to an insured person may give notice thereof in the prescribed form to the person liable to pay the compensation or damages, and if such notice is given the person so liable shall, on demand and on being furnished with the prescribed proof of the amount of the advances made, repay to the society or committee, up to the amount which he is liable to pay as compensation or damages, less such part, if any, of that amount as he has already duly paid at the time of receiving the notice aforesaid, the amount advanced, and the receipt of the society or committee shall, up to the amount of the repayment, be a full and valid discharge to that person in respect of the compensation or damages payable by him to the insured person:

Provided that if the person so liable to pay compensation or damages gives to the society or committee by which such notice as aforesaid is given notice in the prescribed form that he intends to pay or that he has paid compensation or damages, he shall not be under any obligation to make any repayment in respect of any advance made after the date of the payment of the compensation or damages or after the time at which the notice so given by him is received by the society or committee, whichever is the later.

(2) Where an insured person has recovered compensation in respect of any injury or disease, and in fixing the amount of the weekly payment regard was had to any such payment, allowance, or benefit as is mentioned in paragraph (3) of the First Schedule to the Workmen's Compensation Act, 1906 [6 Edw. 7, c. 58], or where an insured person who is entitled to receive or recover but has not received or recovered any such compensation is in receipt of any such payment, allowance, or benefit as aforesaid, the weekly value of that payment, allowance, or benefit, as determined by the society or committee, or in the case of a dispute as determined in manner provided by the principal Act, shall, in computing under sub-section (1) of the said section eleven what part of the benefit is to be paid to the insured person, be added to the weekly sum payable by way of compensation or be treated as being a weekly sum payable by way of compensation, as the case may be, and taken into account accordingly:

Provided that no account shall be taken of any such payment, allowance, or benefit so far as the weekly value thereof, together with the weekly sum (if any) or the weekly value of the lump sum (if any) paid or payable by way of compensation, exceeds the amount of the weekly payment which the insured person would, if there had been no such payment, allowance, or benefit, have been entitled to receive or recover by way of compensation under the said Act.

20. *Amendment of law with respect to contributors who are inmates of hospitals, &c.*—(1) The following sub-section shall be substituted for sub-section (2) of section twelve of the principal Act:—

"(2) During such period as aforesaid the sum which would otherwise have been payable on account of any such benefit to or in respect of any such person as aforesaid:—

"(a) If that person has any dependants, may at the discretion of the society or committee administering the benefit, but after consultation whenever possible with that person, be applied wholly or in part for the advantage of, or be paid wholly or in part to, those dependants; and

"(b) So far as not applied under the preceding provision, or if that person has no dependants, and if in any case he so authorizes, may be applied at the discretion of the society or committee administering the benefit towards defraying any expenses for which he may be or become liable otherwise than to the institution while he is such an inmate as aforesaid, and in so far as not so applied may at the discretion of the society or committee be paid in whole or in part to the institution of which he is an inmate, unless that institution is a workhouse, poor law infirmary, asylum, or other similar institution, maintained out of public funds, or, if he is an inmate in receipt of sanatorium benefit, is a sanatorium in which treatment under this Part of this Act is provided:

"Provided that—

"(i) If such an inmate as aforesaid is a married woman or a widow, and the sums so payable or applicable as aforesaid include the sums which would have been payable both on account of maternity benefit payable in lieu of sickness or disablement benefit and on account of maternity benefit not so payable, no part of the sum which would otherwise be payable on account of that last-mentioned maternity benefit shall be paid to or applied for the relief or maintenance of her dependants, but the whole or any part thereof may be paid to the institution of which she is an inmate in the same manner as if she had no dependants;

"(ii) Where any person who is entitled to any benefit under this Part of this Act applies for admission to any workhouse infirmary, or in Scotland to any poorhouse hospital, or the sick ward of any poorhouse, admission thereto shall not be refused solely on the grounds of the right to that benefit."

(2) At the end of sub-section (2) of the said section twelve the following sub-sections shall be added:—

"(3) Any sum which but for the provisions of this section would have been payable to any person on account of sickness, disable-

ment, or maternity benefit shall, if and so far as it is not paid or applied during such a period as aforesaid in accordance with the foregoing provisions of this section, be paid in cash to that person after he has left the institution, and either in a lump sum or in instalments at the discretion of the society or committee administering the benefit, or if that person dies in the institution shall be deemed to form part of his estate.

"(4) Where any sum, which but for the provisions of this section would have been payable on account of sickness or disablement benefit, has been paid or applied in accordance with those provisions, that sum shall be treated as a payment in respect of sickness or disablement benefit as the case may be."

21. *Provisions as to transfer from a society in case of deficiency.*—

(1) Where on a valuation made under section thirty-six of the principal Act a deficiency has been found in the case of any approved society or any branch of an approved society, and a scheme for making good the deficiency has been made under section thirty-eight of that Act, no insured person who was a member of the society or branch at the date as at which the valuation was made shall be entitled, till the deficiency has been made good, to be transferred from that society or branch to another society or to any branch of the same society, except on payment to the Insurance Commissioners at the time of his transfer, to be credited to the first-mentioned society or branch, of an amount to be ascertained in the prescribed manner equal to the capitalised value of any levy which would have been payable by him, or of any reduction of benefits to which he would have been liable, if he had not ceased to be a member of that society or branch.

(2) If any insured person ceases to be a member of any approved society or any branch of an approved society at any time between the date as at which a valuation of the society or branch is made (being a valuation on which a deficiency is subsequently found), and the date on which the scheme for making good the deficiency comes into operation, and becomes a member of some other society or branch, he shall on demand pay to the Insurance Commissioners to be credited to the first-mentioned society or branch such an amount as he would have been required to pay if he had remained a member of that society or branch and were about to be transferred to another society or branch, and, if he fails to do so, he shall be subject to such reduction, suspension, or postponement of benefits as may be prescribed, and the necessary adjustments shall be made in the accounts of the societies or branches concerned.

22. *Special provisions with respect to married women.*—(1) Where a woman being an insured person and a member of an approved society marries, she shall, if she had before the date of her marriage ceased, or if at any time within twelve months after the date of her marriage she ceases, to be a person whose normal occupation is employment, cease as from that time (hereinafter referred to as "the date of unemployment") to be entitled to the benefits to which she would otherwise have been entitled under the provisions of the principal Act, and in lieu thereof she shall, subject to the provisions of that Act, be entitled to the following benefits, that is to say, to sickness benefit at the rate of five shillings a week for not more than six weeks in the period of twelve months commencing next after the date of unemployment, or, if the date of unemployment was anterior to the date of her marriage, within so much of that period as is subsequent to her marriage, to maternity benefit of thirty shillings in respect of her first confinement after the date of unemployment and within two years of the date of her marriage, and to medical and sanatorium benefits until the termination of the year next following the year in which she ceased to be such a person as aforesaid, and she shall until the expiration of two years from the date of her marriage remain an insured person.

(2) For the purposes of this section a woman shall be deemed to have ceased to be a person whose normal occupation is employment as soon as she has been unemployed for eight consecutive weeks commencing next after the week in which she ceased to be employed:

Provided that a woman, who is or was unemployed by reason of incapacity for work in respect of which she has received, or but for any disentitling provisions of the principal Act would have received, sickness or disablement benefit, shall not be deemed to have ceased to be a person whose normal occupation is employment until the expiration of eight weeks commencing next after the end of the last week in which she was, or would have been as aforesaid, in receipt of such benefit.

(3) If a woman, after becoming entitled to benefits by virtue of the preceding provisions of this section, becomes employed before she ceases to be an insured person, she shall be treated as if she had become insured for the first time on the date on which she so becomes employed:

Provided that no woman shall, by reason only of so becoming employed, be deprived of any benefit to which she would, but for the provisions of this sub-section, have been entitled unless and until she becomes entitled to corresponding benefit by virtue of her new insurance.

(4) No married woman shall, during her coverture, be entitled to be a voluntary contributor, and any woman who is, at the commencement of this Act, a voluntary contributor under the terms of sub-section (2) of section forty-four of the principal Act, shall cease to be such a contributor and an insured person and to be entitled to the benefits mentioned in that sub-section, and in lieu thereof shall be entitled to receive by way of benefit payment of a sum of forty shillings:

Provided that—

"(a) nothing in this provision shall prevent a married woman who has been employed for at least the prescribed number of weeks in any period being deemed to be a voluntary contributor for the purpose of any regulations made under this Act with respect to the benefits of persons in arrears; and

"(b) where any woman who is a voluntary contributor under the



terms of the said sub-section (2) is, at the commencement of this Act, in receipt of sickness or disablement benefit, she shall continue to be entitled to sickness or disablement benefit so long as the incapacity continues, and the said sum of forty shillings shall become payable only on the expiration of a period of eight weeks commencing next after the date when the incapacity ceases.

(5) Where any woman being an insured person and a member of an approved society marries, the prescribed sum shall be transferred from the credit of the society to the credit of the Reserve Suspense Fund, and all moneys which are, at the commencement of this Act, standing to the credit of the Married Women's Suspense Account mentioned in section forty-four of the principal Act shall be carried to the credit of the Reserve Suspense Fund, and the said account shall be closed.

(6) Where any woman, being an insured person and a member of an approved society, marries, and after her marriage continues to be or becomes an employed contributor, the appropriate reserve value shall be credited to the society in respect of her as if she were a person joining the society.

(7) The Insurance Commissioners may make regulations providing for such financial adjustments between approved societies and the Reserve Suspense Fund as appear necessary in order to place the societies and the fund respectively in the position in which they would have been if the two last preceding sub-sections of this section had come into force on the commencement of the principal Act instead of on the commencement of this Act.

(8) Where any married woman is, at the commencement of this Act, entitled to have any sum applied for her benefit under the terms of the proviso to sub-section (2) of section forty-four of the principal Act, and that sum or any part thereof remains unexpended on the first day of January nineteen hundred and nineteen, that sum or the unexpended part thereof shall, instead of being applied as aforesaid, be paid to her in cash on that date, and she shall as on that date cease to be an insured person:

Provided that if any cash payment so required to be made is not made before the first day of January nineteen hundred and twenty, an amount equal to the sum to be paid shall be transferred from the credit of the society to the Reserve Suspense Fund.

(9) In the case of any woman being a voluntary contributor who marries, this section shall apply as though the date of her marriage were the date of unemployment.

(10) Subject as aforesaid, the provisions of Part I. of the principal Act shall apply to a woman who has been married, both during and after her coverture, as if she had never been married.

(11) In the application of this section to Ireland for the words "for not more than six weeks in the period of twelve months commencing next after the date of unemployment" there shall be substituted the words "for not more than eight weeks in the period between the date of unemployment and the date of the completion of the second year of marriage."

(12) It shall be the duty of every woman, being an insured person and a member of an approved society, who marries, to give notice of her marriage to her society within eight weeks thereof, and if an approved society pays to any married woman who has failed to give notice in accordance with the foregoing provision any sum by way of sickness benefit in excess of the amount properly payable to that married woman, the society shall, if it was not aware of her marriage, be entitled to deduct the amount so paid in excess from the amount of any benefits subsequently payable to her.

(13) In this section the expression "employment" means employment within the meaning of Part I. of the principal Act, and the expression "employed" or "unemployed" shall be construed accordingly.

**23. Repeal of s. 45 of principal Act.**—(1) Section forty-five of the principal Act (which makes special provisions as to aliens) shall cease to have effect, and as from the commencement of this Act Part I. of the principal Act shall, subject as may be prescribed, apply to all persons who are not British subjects in the same manner as it applies to persons who are British subjects.

(2) For the purpose of the provisions of Part I. of the principal Act relating to reserve values, all persons who were immediately before the commencement of this Act persons to whom the said section forty-five applied and members of an approved society shall be deemed to have joined that society at the commencement of this Act, and, subject to the existing transfer values of those persons, reserve values shall be credited to societies accordingly.

**24. Amendment of s. 46 of principal Act.**—(1) The following provision shall be substituted for sub-section (1) of section forty-six of the principal Act (which makes special provision with respect to persons in the naval and military service of the Crown):—

"For the purpose of providing seamen, marines, and soldiers with such benefits during their term of service and after their return to civil life as are hereinafter in this section mentioned, there shall be paid to the Insurance Commissioners by the Admiralty and Army Council respectively, out of the moneys provided by Parliament for navy and army services, in respect of every seaman and marine within the meaning of the Naval and Marine Pay and Pensions Act, 1866 (28 & 29 Vict. c. 73), and of every soldier of the regular forces (not being a soldier of His Majesty's Indian Forces, of the Royal Malta Artillery, or a native soldier of any regiment raised outside the United Kingdom), if such seaman, marine, or soldier is a member of an approved society, a sum of threepence in respect of each week or part of a week for which he receives pay, and,

if such seaman, marine, or soldier is not a member of an approved society, such sum per week as may be prescribed:

Provided that—

(a) the number of the persons in respect of whom payments are to be made under the foregoing provision shall be ascertained in such manner, and the sums to be paid thereunder shall be paid to the Insurance Commissioners in such manner and at such dates in each year as shall be agreed between the Insurance Commissioners and the Admiralty and the Army Council respectively; and

(b) no payment shall be made in respect of any seaman, marine, or soldier who has completed the period of his first engagement and has re-engaged for pension and who gives notice within the prescribed time that he does not desire that the provisions of this section should apply to him; and

(c) the Admiralty and the Army Council respectively shall recover by deduction from the pay of seamen, marines, and soldiers in respect of sums paid under this section such amount not exceeding one penny halfpenny in respect of each weekly contribution as they may think fit.

(2) The Insurance Commissioners shall, out of the sums paid to them by the Admiralty and Army Council under this section, retain towards discharging their liabilities in respect of reserve values under Part I. of the principal Act or for the purpose of being applied otherwise as in this Act provided, the like amount as if each seaman, marine, and soldier in respect of whom a payment is made, were an employed contributor and a member of an approved society, and sub-section (3) of section fifty-five of the principal Act shall have effect as if references therein to approved societies included a reference to the Navy and Army Insurance Fund.

Subject as aforesaid, the Insurance Commissioners shall credit periodically to the approved societies of which the seamen, marines, and soldiers are members the proper proportion of the balance of those sums, and shall credit the residue of those sums to the Navy and Army Insurance Fund.

(3) For the purposes of sub-section (2) of section sixteen and of sub-section (1) of section seventeen of the principal Act a person to whom section forty-six of the principal Act applies shall be deemed to be an insured person and to be resident in such county or county borough as may be prescribed:

Provided that such sum as may be prescribed shall for the purposes of the said sub-section (2) of section sixteen be substituted as respects any person to whom the said section forty-six applies for the sum of one shilling and threepence.

(4) The following provision shall be substituted for the words in sub-section (2) of section forty-six of the principal Act from the commencement of that sub-section to the end of paragraph (i):—

"A seaman, marine, or soldier, who is a member of an approved society shall for the purposes of this Part of this Act be treated as if he had been employed within the meaning of this Part of this Act, and a contribution had been paid in respect of him for each week from the date of his entry or enlistment to the date of his discharge, subject, until his discharge, to the following modifications:—"

(5) The following provision shall be substituted for the words in sub-section (3) of section forty-six of the principal Act from the commencement of the sub-section to the end of paragraph (a):—

"The provisions of the last preceding sub-section shall apply to seamen, marines, and soldiers who are not members of approved societies, subject to the following modifications:—"

(6) Paragraph (g) and proviso (ii) to paragraph (h) of sub-section (3) of section forty-six of the principal Act and paragraph (ii) of sub-section (4) of the same section shall cease to have effect.

(7) For the purpose of sub-section (5) of section forty-six of the principal Act a seaman, marine, or soldier, who absents himself on desertion shall be deemed to have been discharged on the date on which he so absents himself, and to re-enter or re-enlist on the date on which the absence terminates.

**25. Application of National Health Insurance Acts to men of the Air Force.**—The provisions of section forty-six of the principal Act (which relates to persons in the naval and military service of the Crown) and of any subsequent enactment amending that section shall, subject to such modifications and adaptations as may be prescribed (including any modifications and adaptations necessary to meet the case of persons who are transferred from the Navy or Army to the Air Force, or from the Air Force to the Navy or Army), extend and be deemed always to have extended to officers and men of the Regular Air Force, the Air Force Reserve, and the Auxiliary Air Force, as if the references in those provisions to soldiers, the Regular Forces, the Army Reserve, and the Territorial Force included references to airmen of the Regular Air Force, the Regular Air Force *sic*, the Air Force Reserve, and the Auxiliary Air Force, respectively.

In this section the expression "prescribed" means prescribed by regulations made by the Insurance Commissioners in conjunction with the Air Council.

**26. Repeal of s. 47 of principal Act.**—(1) Section forty-seven of the principal Act (which makes special provision for cases where an employer is liable to pay wages during sickness) shall cease to have effect.

(2) If upon the first making after the commencement of this Act of a valuation under section thirty-six of the principal Act it appears to the National Health Insurance Joint Committee that any approved society or branch has incurred a substantial loss by reason of any members of the society or branch having been persons in respect of whom

section forty-seven of the principal Act applied, there shall be credited to that society or branch such amount as is, in the opinion of the Committee, sufficient to make good the loss, and the amount so credited shall be charged to the Reserve Suspense Fund.

**27. Provisions as to the Mercantile Marine.**—(1) The following amendments shall be made in section forty-eight of the principal Act, and that section shall have effect accordingly:—

(a) The following portions of the section shall be repealed, that is to say:—

In sub-section (1) the words from "but for the purpose" to "as aforesaid";

Proviso (a) to sub-section (2);

In sub-section (3) the words from "and the rules" to the end of the sub-section;

Sub-section (9).

(b) The following shall be substituted for the words from "and every four" to "five such contributions" in sub-section (2)—

"and every four weekly contributions paid in any prescribed period by or in respect of any master, seaman, or apprentice while serving in such a ship shall, for the purposes of calculating arrears, be treated as five such contributions."

(c) The following sub-section shall be substituted for sub-sections (6) and (7):—

"(6) All contributions paid by employers in respect of masters, seamen, or apprentices, who are neither domiciled nor have a place of residence in the United Kingdom and are consequently deemed not to be employed within the meaning of this part of this Act, shall be credited to a special fund, which shall be vested in trustees nominated under, and managed by a governing body constituted in accordance with, a scheme to be prepared by the National Health Insurance Joint Committee after consultation with the Board of Trade, and comprising three representatives of shipowners and six representatives of insured persons, and the scheme shall provide for the representatives of insured persons being selected from the members of the Seamen's National Insurance Society and of any other societies more than three fourths of whose members are masters, seamen, or apprentices to the sea service or the sea-fishing service, as nearly as may be in proportion to the membership of such societies respectively.

"The accounts of the said special fund shall be subject to audit, and the fund shall be subject to the provisions of this Act relating to valuations, surpluses and deficiencies (subject to the prescribed modifications) as if it were an approved society.

"The said governing body shall, subject to the approval of the Board of Trade and of the National Health Insurance Joint Committee prepare a scheme for the provision of such benefits out of the sums credited to the said special fund for masters, seamen, and apprentices, being members of approved societies, as are specified in the scheme (including pensions for masters and seamen with long sea service), and the scheme may provide for preference being given to masters and seamen who have served in foreign-going ships or ships engaged in foreign trade over those who have served in coasting and home trade ships, and for such preference being proportionate to the length of time spent in the first-mentioned service.

"The cost of any benefits under the said scheme shall be paid as to the proper proportion thereof out of moneys provided by Parliament, and the expenses of administering the benefits under the said scheme shall, up to the prescribed amount, be apportioned in the prescribed manner among and paid as expenses of administration of those societies whose members include persons entitled to the said benefits."

(2) Any contributions paid under sub-section (6) of section forty-eight of the principal Act to the Seamen's National Insurance Society before the commencement of this Act shall, so far as unexpended and together with any accumulations of interest thereon, be transferred to the special fund for which provision is made by the new provision directed by this section to be substituted for the said sub-section (6).

(3) The provisions contained in the proviso inserted in sub-section (1) of section forty-eight of the principal Act by section twenty-three of the National Insurance Act, 1913, shall have effect whether the master, seaman, or apprentice was serving in a home trade ship or in any other ship, and accordingly the words "and was serving on a home trade ship" in the said proviso shall be repealed.

(4) Any period during which a master, seaman, or apprentice is, under the provisions of sub-section (1) of section forty-eight of the principal Act, not entitled to sickness or disablement benefit shall be excluded in computing the period mentioned in paragraph (c) of sub-section (1) of section eight of the principal Act, and any disease or disablement suffered by a master, seaman, or apprentice during any such period as is hereinbefore first mentioned shall for the purposes of sub-section (5) of the said section eight be deemed not to be a disease or disablement.

(5) For the purpose of ascertaining the sums to be retained by the Insurance Commissioners out of the contributions of masters, seamen, and apprentices serving in foreign-going ships or ships engaged in regular trade on foreign stations for the purpose of discharging their liabilities in respect of reserve values or for the purpose of being applied otherwise as in this Act provided, every six weekly contributions at the reduced rate paid by or in respect of any such seamen shall be treated as seven such contributions.

**28. Provisions with respect to teachers.**—(1) The following employ-

ments shall be deemed to be included among the excepted employments specified in Part II. of the First Schedule to the principal Act:—

(a) Employment as a teacher in a public elementary school at any time after the person employed has undergone an examination in order to qualify for the position of a certificated teacher in such a school and before the announcement of the result of the examination:

(b) Employment as a pupil or student teacher, junior student or monitor in a public elementary school:

(c) Employment as a teacher of any class which may be specified in a special order made by the Insurance Commissioners after consultation with the Board of Education as being a class in the case of which the conditions of employment are similar to the conditions of employment prevailing in the case of teachers to whom the Elementary School Teachers (Superannuation) Act, 1898 [61 & 62 Vict. c. 51], applies, or to the conditions prevailing in the employments specified in paragraphs (a) and (b) of this sub-section.

(2) Section fifty-two of the principal Act (which makes special provisions with respect to persons becoming certificated teachers) shall cease to have effect.

(3) In the application of this section to Ireland the Commissioners of National Education shall be substituted for the Board of Education.

**29. Disposal of sums unclaimed in stamp sales account.**—Where the Insurance Commissioners satisfy the Treasury as respects any sums received by the Commissioners on account of sales of stamps issued for the purpose of Part I. of the principal Act that no claim has been or is likely to be made by or on behalf of any approved society or any deposit contributor for the crediting of those sums to the society or the Deposit Contributors Fund, those sums shall as to nine-tenths thereof be carried to the Central Fund, and as to the residue thereof be applied in such manner as may be prescribed:

Provided that where any such sums as respects which the Insurance Commissioners satisfy the Treasury as aforesaid represent contributions paid by or in respect of masters, seamen, or apprentices to the sea service or the sea-fishing service, being masters, seamen, or apprentices who were serving on foreign-going ships or ships engaged in regular trade on foreign stations, such proportion of those sums as may be prescribed shall be credited to the special fund to be established under sub-section (6) of section forty-eight of the principal Act, and the balance thereof shall be dealt with as hereinbefore in this section directed.

**30. Provisions against maladministration.**—(1) The Insurance Commissioners may, for the purpose of providing against maladministration by approved societies and their officers, make regulations applying to approved societies and to branches of approved societies, and to officers and members thereof, the provisions of sections thirty-five and fifty-five of the Friendly Societies Act, 1896, and any of the other provisions of the Friendly Societies Acts, 1896 and 1906 [8 Ed. 7, c. 32], relating to offences, penalties, and legal proceedings, and any such regulations may provide that proceedings for any offence under sub-section (3) of section eighty-seven of the Friendly Societies Act, 1896, as applied by the regulations, may be brought within two years from the date of the commission of the alleged offence.

(2) Any of the said provisions may be applied with or without adaptation or modification, so, however, that the penalty for offences, other than fraud, false declarations, misappropriation or falsification, shall not be made to exceed a fine of five pounds.

**31. Extension of power to make regulations.**—The power of the Insurance Commissioners to make regulations under section twenty-eight of the National Insurance Act, 1913, shall extend to the matters specified in the Fourth Schedule to this Act, subject always as to the matters specified in Part II. of that Schedule to the consent of the Treasury.

**32. Provisions with respect to medical practitioners, &c., of approved societies.**—(1) Where the Insurance Commissioners in pursuance of their powers under section fifteen of the principal Act remove the name of any medical practitioner or of any person, firm, or body corporate undertaking the supply of drugs, medicines, or appliances from any list of medical practitioners prepared under the said section, or from any list of such persons, firms, and bodies corporate as the case may be, they may, if they think fit so to do, remove his or their name from all or any of the other lists so prepared in which it is at the time included, and until such time as the Commissioners direct to the contrary that practitioner or person, firm, or body corporate shall be disqualified for inclusion in any other list, whether in England, Scotland or Wales, in which his or their name was not then so included or from which it was then removed.

(2) Regulations made under section fifteen of the principal Act may, subject to such modifications as may be prescribed, provide for the application to enquiries held under paragraph (b) of sub-section (2) and paragraph (b) of sub-section (5) of the said section respectively of any of the provisions of the Arbitration Act, 1889 [52 & 53 Vict. c. 49], relating to the costs of an arbitration, the attendance of witnesses, and the production of documents, and the regulations may provide that the costs of any enquiry and of the finding thereon shall be in the discretion of the Commissioners instead of in the discretion of the person holding the enquiry.

(3) The power to make regulations under the last preceding sub-section with respect to the enquiries therein mentioned shall not extend so as to authorize regulations to be made with respect to any such enquiries held in Scotland, but regulations made under section fifteen of the principal Act may provide that, in the case of any such enquiry held in Scotland, the Scottish Insurance Commissioners may make such



award as seems to them proper in regard to the expenses of the enquiry and the finding thereon.

**33. Accounts of insurance committees.]—**(1) The provisions set out in Part I. of the Third Schedule to this Act shall have effect with respect to the accounts of insurance committees for the year nineteen hundred and eighteen and subsequent years, and the audit of such accounts.

(2) In the application of this section to Scotland, Part II. of the said Schedule shall be substituted for Part I.

**34. Default by insurance committee.]—**(1) Without prejudice to their power to take any other proceedings, the Insurance Commissioners may, if after a public enquiry they are satisfied that by reason of the default of an insurance committee in the performance of their duties the administration of medical or sanatorium benefit or of the benefits of deposit contributors in the area is being prejudiced, by order declare that the existing members of the committee have vacated their office.

(2) Every such order shall provide for the appointment forthwith, subject to the provisions of section fifty-nine of the principal Act, of a new committee, and may contain such provisions as seem to the Commissioners expedient for authorizing any person to act in the place of the committee, pending the appointment of the new committee.

**35. Repeal of section 51 of principal Act.]—**Section fifty-one of the principal Act (which makes special provisions as to the inmates of charitable homes) shall cease to have effect.

**36. Provision with respect to the payment of certain benefits.]—**It is hereby declared that except where special arrangements in that behalf are made at the request of an insured person no deduction may be made by an approved society as on account of the cost of the transmission of the benefit from the amount payable by way of sickness, disablement, or maternity benefit.

**37. Disposal of sums forming part of estate of deceased persons.]—**(1) The Insurance Commissioners may make regulations:—

(a) Providing for the nomination by an insured person of the persons to whom any sum payable to him by way of benefit under Part I. of the principal Act and unpaid at the date of his death, or any other sum payable under Part I. of the principal Act and forming part of his estate is to be paid at his death, for the revocation of any such nomination, for the payment of the specified amount to any nominee so nominated, and providing that any such nomination shall take effect as if it were a will of the deceased duly executed, and that notwithstanding the want of due execution, minority, or marriage, or in Scotland the birth of a child; and

(b) Providing that subject to the regulations, probate or other proof of the title of the personal representatives of the deceased person may be dispensed with in the case of any such sum as aforesaid, and that any such sum may be paid or distributed to or among the persons appearing in manner provided by the regulations to be beneficially entitled to the personal estate of the deceased person, whether under any such nomination as aforesaid, or by law, or as next of kin, or as creditors, or otherwise, or to or among any one or more of such persons exclusive of the others, or in the case of any illegitimacy of the deceased person or his children to or among such person, or persons, as may be directed by the regulations, and that any society or committee making a payment in accordance with the regulations shall be discharged from all liability in respect of the sum so paid.

(2) The foregoing provisions of this section shall apply to the sum payable under paragraph (f) of section forty-two of the principal Act on the death of a deposit contributor as if that sum were a sum payable to him by way of benefit under Part I. of the principal Act and unpaid at the date of his death, and accordingly the said paragraph (f) shall have effect as if for the words therein from "shall be paid" to the end thereof there were substituted the words "shall be dealt with as if it were a sum payable to an insured person by way of benefit under this Part of this Act and unpaid at the date of his death, and the balance thereof shall be transferred to the Reserve Suspense Fund."

**38. Amendment of s. 63 of principal Act.]—**(1) Where such an allegation as is mentioned in section sixty-three of the principal Act is made by an approved society or insurance committee, the society or committee shall, in the event of their failing to arrive at an agreement with the person or authority concerned, refer the matter with a statement in support of the allegation to the Insurance Commissioners, and shall not make an application for an enquiry unless the Commissioners are of opinion that a prima facie case for an enquiry is disclosed, and authorize such an application to be made.

(2) In sub-section (2) of the said section for the words "been in excess of the average expectation of sickness by more than ten per cent. and that such excess was in whole or in part due to any such cause as aforesaid the amount of any" there shall be substituted the words "been in excess of the amount of sickness which, in the opinion of the person holding the enquiry, would have occurred if there had been no default by any person or authority as aforesaid, the amount of that" and the words "or such part thereof as aforesaid," wherever those words occur in sub-section (2) of the said section, and sub-section (4) of the said section shall be repealed.

**39. Amendment of s. 69 of principal Act.]—**In sub-section (2) of section sixty-nine of the principal Act, the words "in respect of an employed contributor" shall be omitted, and for the words "to make any such contributions" there shall be substituted the words "to pay any contributions," and in sub-section (3) of section thirty-four and sub-section (6) of section forty-one of the National Insurance Act, 1913,

the word "person" shall be substituted for the words "employed contributor."

**40. Civil proceedings against employer for neglecting to comply with principal Act.]—**(1) Where an employer has failed or neglected to pay any contribution which under Part I. of the principal Act he is liable to pay in respect of any insured person in his employment, (hereinafter referred to as "an employee") or has failed or neglected to comply in relation to any employee with the requirements of any regulations relating to the payment and collection of contributions, and by reason thereof the employee or any person claiming through him has lost in whole or in part any benefits to which he would have been entitled under Part I. of the principal Act, he shall be entitled to recover summarily from the employer as a civil debt a sum equal to the amount of any sickness, disablement or maternity benefit which he has lost as aforesaid, and a sum equal to the amount of any expenses which he has incurred by reason of not being entitled to medical benefit or sanatorium benefit.

(2) If an employee who is a member of an approved society refuses or neglects to enforce any claim under the preceding provisions of this section, the society may take the necessary proceedings in the name and on behalf of the employee:

Provided that if any society takes proceedings as aforesaid and fails in the proceedings it shall be responsible for the costs of the proceedings as if it were claiming on its own account.

(3) If an employee is not a member of an approved society he or any person claiming through him shall in any proceedings under this section be entitled to recover from the employer the same amount as he would have been entitled to recover if the employee had been a member of an approved society.

(4) Proceedings may be taken under this section notwithstanding that proceedings have also been taken under any other enactment in respect of the same failure or neglect.

**41. Construction of s. 33 of 3 & 4 Geo. 5, c. 37.]—**(1) For the purpose of removing doubts it is hereby declared that the expression "a sum not exceeding one penny in all" in sub-section (2) of section thirty-three of the National Insurance Act, 1913, means a sum not exceeding one penny in all in respect of each year.

(2) Any travelling expenses incurred by members of any local committee elected under sub-section (1) of section thirty-three of the National Insurance Act, 1913, or of any committee elected by medical practitioners under section thirty-two of the said Act in attending meetings of the committee or of any sub-committee thereof, and any expenses incurred by any such members on account of subsistence whilst so attending shall be deemed to be administrative expenses of the committee within the meaning of sub-section (2) of the said section thirty-three.

**42. Amendment of s. 34 of 3 & 4 Geo. 5, c. 37.]—**The following provisions shall be substituted for sub-section (2) of section thirty-four of the National Insurance Act, 1913:—

"(2) Every person who buys, sells, or offers for sale, takes or gives in exchange, or pawns or takes in pawn, any insurance card, insurance book, or used insurance stamp, shall be liable on summary conviction to a fine not exceeding twenty pounds, and in any proceedings under the foregoing provisions with respect to used insurance stamps, an insurance stamp shall be deemed to have been used if it has been cancelled or defaced in any way whatever, and whether it has been actually used for the purpose of payment of a contribution or not.

"Proceedings may be taken under this sub-section at any time within one year from the date of the commission of the alleged offence."

**43. Provisions with respect to branches.]—**(1) The Insurance Commissioners may, if they think fit so to do and subject to the prescribed conditions, recognize for the purpose of the principal Act any branch of an approved society though the branch is not separately registered as a branch of the society.

(2) In case of the maladministration of the affairs of any branch of an approved society, whether a branch which is separately registered or a branch which has been recognized by the Commissioners under this section, the Commissioners may declare that the branch shall cease to be a branch for the purposes of the principal Act.

**44. Amendment of s. 67 of the principal Act in its application to Scotland.]—**Where any appeal or dispute is submitted to the Scottish Insurance Commissioners under section sixty-seven of the principal Act, the Commissioners, or the referees appointed by them to decide the appeal or dispute, may, on the application of either party, at any stage of the proceedings, and shall, if so directed by either division of the Court of Session, state a case on any question of law arising in the appeal or dispute for the opinion of either division of the Court of Session, and the procedure in such stated cases shall, so far as practicable, be in accordance with the regulations and practice in Scotland prevailing in stated cases under the Workmen's Compensation Act, 1906, Second Schedule, paragraph 17(5), provided always that the decision of the Court of Session shall be final.

**45. Provisions with respect to contributions paid on account of Irish migratory labourers.]—**Notwithstanding anything in sub-section (2) of section nine of the National Insurance Act, 1913, the contributions paid in Great Britain under sub-section (3) of section eighty-one of the principal Act in respect of any person being an Irish migratory labourer shall be dealt with in manner provided by that sub-section, and the

sum to be contributed out of moneys provided by Parliament towards the cost of any payments made under the regulations made under the said sub-section and the administration thereof shall be the same as if those payments were benefits to insured persons.

46. *Application of s. 17 of 3 & 4 Geo. 5, c. 37, to variations in rules of societies necessitated by this Act.*—Section seventeen of the National Insurance Act, 1913, which empowers the Insurance Commissioners to authorize variations in rules of approved societies rendered necessary by the passing of that Act, shall have effect as if the reference therein to amendments rendered necessary by the passing of that Act included a reference to variations or amendments rendered necessary by the passing of this Act and to any variations or amendments required to secure that no insured person who is suffering from any form of venereal disease shall, on the ground that the disease is or may have been due to misconduct, be deprived of any sickness or disablement benefit to which he would otherwise have been entitled.

47. *Extension of 7 & 8 Geo. 5, c. 15, to other pensionable persons.*—The National Insurance (Part I. Amendment) Act, 1917, shall be amended as follows:—

(1) By the insertion in section one thereof after the word "marines" and after the word "soldiers" of the words "or other persons."

(2) By the insertion therein after the words "to whom section forty-six of the National Insurance Act, 1911, applied" wherever those words occur of the words "or who was an insured person."

(3) By the substitution for the words "naval or military service" wherever those words occur of the words "naval, military, or other pensionable service."

48. *Short title, commencement, construction, and repeal.*—(1) This Act may be cited as the National Health Insurance Act, 1918, and the National Insurance (Health) Acts, 1911 to 1917, and this Act may be cited together as the National Insurance (Health) Acts, 1911 to 1918.

(2) This Act shall, save as otherwise herein expressly provided, come into operation on the first day of July nineteen hundred and eighteen, or such later date or dates as the National Health Insurance Joint Committee may by order appoint, and different dates may be appointed for different purposes and different provisions of this Act.

(3) This Act shall be construed as one with Part I. of the principal Act; and any references in this Act to any provision of Part I. of the principal Act, or of the National Insurance Act, 1913, which has been amended by any other Act or is amended by this Act shall be construed as a reference to that provision as so amended.

(4) The enactments specified in the Fifth Schedule to this Act are hereby repealed:

Provided that, without prejudice to the general application of section thirty-eight of the Interpretation Act, 1889 (52 & 53 Vict. c. 63), with regard to the effect of repeals, any regulations or orders made under any of the provisions of the principal Act or of the National Insurance Act, 1913, which are repealed by this Act, shall, if in force at the commencement of this Act continue, until revoked and except as varied under the powers of this Act, to have effect as if they had been made under those powers.

#### SCHEDULES.

##### FIRST SCHEDULE.

###### [Section 1.]

The amounts to be carried to the several funds shall be calculated as follows:—

The Contingencies Fund	...	...	...	of a sum representing in the case of men $\frac{1}{10}$ ths and in the case of women $\frac{1}{10}$ ths of a penny for each weekly contribution paid in respect of a member of a society.
The Central Fund	...	...	...	

##### SECOND SCHEDULE.

###### [Section 5.]

Section.	Amendment.
36 ...	"Five years" shall be substituted for "three years" wherever those words occur.
37 (1) ...	Paragraph (b) shall be omitted, and in paragraph (c) the words "there shall be transferred to the central body or other central authority of the society of which it is a branch, one-third of the surplus, and" the words "the remaining two-thirds of" and the words "together with any such addition as aforesaid" shall be omitted.
38 (1) ...	Paragraph (a) shall be omitted; in paragraph (b) the words "Any deficiency not made good from any Contingencies Fund or the Central Fund" shall be substituted for the words "Subject as aforesaid every deficiency," and the words "five years (or such other period as the Insurance Commissioners may require in any particular case) from the expiration of six months after the date on which the valuation report is issued to the society" shall be substituted for "three years from the date at which the valuation was made."
40 ...	Sub-sections (1) and (2) shall not have effect except so far as they may apply to geographical areas consisting of integral parts of the United Kingdom.
54 (3) ...	After "Navy and Army Insurance Fund" there shall be inserted "and of the Central Fund."

54 (4) ... After "Navy and Army Insurance Fund" there shall be inserted "and to the Central Fund."

56 (1) (a) ... At the end thereof shall be inserted "and for the Central Fund."

#### THIRD SCHEDULE.

##### [Section 33.]

###### PART I.

(1) If it appears to any auditor to whom the accounts of an Insurance Committee (including the accounts of any officer or servant of the Committee) have been submitted under paragraph (c) of sub-section (1) of section sixty of the principal Act, that any item of account is contrary to law, or that any money or income which ought to have been brought into account has not been so brought into account, the auditor shall disallow the item of account and shall surcharge the amount of any unlawful payment or expenditure, or of any loss or deficiency, upon any member, officer, or servant of the Committee or other person by whose negligence or misconduct that payment or expenditure has been made or authorized or that loss or deficiency has been incurred:

Provided that no item of account shall be disallowed or surcharged by the auditor, if the same has been sanctioned by the Commissioners.

(2) Any Insurance Committee or person aggrieved by any disallowance or surcharge may, within thirty days after the date of the auditor's certificate, appeal to the Insurance Commissioners, whose decision shall be final, and the procedure on appeal shall be such as may be prescribed:

Provided that the Commissioners may at any stage of the proceedings on appeal, and shall if so directed by the High Court, state in the form of a special case for the opinion of the Court any question of law arising in the course of the appeal.

(3) The Insurance Commissioners, in considering whether any item of account should be sanctioned, or in determining any appeal under this Schedule, may, if they are of opinion that any disallowance or surcharge has been or would be lawfully made, but that in the circumstances of the case it is equitable that the disallowance or surcharge should not be made, sanction the item of account and remit the disallowance or surcharge:

Provided that where the item of account or expenditure relates in whole or in part to moneys provided under sub-section (1) of section one of the National Insurance Act, 1913, the Commissioners shall have regard to the terms of any scheme, vote, or regulation providing for or prescribing the application of those moneys.

(4) In any case in which an appeal has been made to the Commissioners, the auditor may re-open the audit for the purpose of giving effect to the decision of the Commissioners.

(5) Any sum surcharged by the auditor, or any balance certified by him to be due, shall be paid to the Commissioners by the person who is surcharged or from whom the balance is certified to be due within thirty days after the date of the auditor's certificate, or, if an appeal is lodged and the amount surcharged or certified to be due is not remitted, within thirty days after the date of the decision of the Commissioners, and if not paid within the time aforesaid may be recovered by the Commissioners summarily as a civil debt; and the costs of any proceedings for the recovery of any such sum so far as not recovered from the person surcharged shall be charged to the Insurance Committee.

On any proceedings for the recovery of such a sum a certificate purporting to be signed by an auditor appointed under the principal Act shall be conclusive evidence of the facts certified.

(6) Any person who knowingly recharges to the funds of an Insurance Committee any sum which has been disallowed by the auditor and has not been allowed by the Insurance Commissioners on appeal, shall be liable on summary conviction to a fine not exceeding three times the amount of the sum so recharged.

###### PART II.

(1) If it appears to any auditor to whom the accounts of any Insurance Committee in Scotland (including the accounts of any officer or servant of the Committee) have been submitted under paragraph (c) of sub-section (1) of section sixty of the principal Act that any item of account is contrary to law, or that any money or income which ought to have been, is not brought into account, the auditor shall, by an interim report under his hand, report thereon to the Scottish Insurance Commissioners setting forth the grounds of his opinion as aforesaid; and the Commissioners shall cause such interim report to be intimated to the Committee or person affected thereby; and after such inquiry as the Commissioners think fit they shall decide all questions raised by such interim report and shall disallow all unlawful items of account and shall surcharge the amount of any unlawful payment or expenditure or of any loss or deficiency, upon any member, officer, or servant of the Committee or other person by whose negligence or misconduct that payment or expenditure has been made or authorised or that loss or deficiency has been incurred.

(2) If the Scottish Insurance Commissioners are of opinion that any disallowance or surcharge might lawfully be made, but that in the circumstances of the case it is equitable that the disallowance or surcharge should not be made, they may abstain from making the same:

Provided that where the payment or expenditure in question relates in whole or in part to moneys provided under sub-section (1) of section one of the National Insurance Act, 1913, the Commissioners shall have regard to the terms of any scheme, vote, or regulation providing for or prescribing the application of those moneys.



(3) Every sum determined by the Scottish Insurance Commissioners under the provisions hereof to be due from any person shall be paid by such person to the Commissioners within thirty days after such determination has been intimated to him, and if such sum is not so paid the Commissioners may recover the same as a civil debt; and the costs of any proceedings for the recovery of any such sum so far as not recovered from the person surcharged shall be charged to the Insurance Committee.

On any such proceedings a certificate purporting to be signed by the Secretary of the Commissioners or some person authorised by the Commissioners to act on behalf of the Secretary shall be conclusive evidence of the facts certified.

(4) Any person who knowingly recharges to the funds of an Insurance Committee any sum which has been disallowed by the Scottish Insurance Commissioners under the provisions hereof shall be liable on summary conviction to a fine not exceeding three times the amount of the sum so recharged.

#### FOURTH SCHEDULE.

[Section 31.]

#### MATTERS WITH RESPECT TO WHICH REGULATIONS MAY BE MADE.

##### PART I.

(1) The manner and conditions in and upon which the following matters may be carried into effect:—

(a) The transfer by an approved society of its engagements under Part I. of the principal Act, or of such of those engagements as relate to members resident in any particular part of the United Kingdom, or as relate to men only or women only, to any other approved society or to any two or more other approved societies which may undertake to fulfil those engagements;

(b) The transfer of the engagements of a branch of an approved society, or of such of those engagements as relate to men only or to women only, to any other branch, or to any two or more other branches, of that society or of any other society or to any other society or to any two or more other societies;

(c) The secession, expulsion, or dissolution of a branch of an approved society in respect of its business under Part I. of the principal Act;

(d) The financial adjustments to be made on any such transfer, secession, expulsion or dissolution.

(2) Enabling or requiring an approved society with branches to establish, subject to prescribed conditions and in the prescribed manner, a central fund for the purpose of administering the benefits of any of the members of any branch which may secede or be dissolved or expelled or cease to be a branch for the purposes of Part I. of the principal Act, and making provision with respect to payments into and out of any fund so established, and with respect to the transfer of any persons for whose benefits the fund is liable to any other branch of the society.

(3) Enabling an approved society, not being a society with branches, to establish branches, and to apportion among the branches, subject to the prescribed conditions, all or any of the funds of the society.

(4) Applying to the Navy and Army Insurance Fund and to the members of that fund, subject to the prescribed modifications, adaptations and exceptions, the provisions of Part I. of the principal Act and of this Act relating to approved societies and to members and membership of and transfer to and from approved societies, and relating to persons lapsing from insurance, and for providing benefits (other than additional benefits) out of that fund to any persons being persons to whom section forty-six of the principal Act applies and who are not members of an approved society when discharged, for such period after discharge as may be prescribed.

(5) Providing, in the case of any persons who are insured at the commencement of this Act and whose position is affected by any of the provisions thereof, for the transition from the provisions of Part I. of the principal Act affecting them to those provisions as amended by the provisions of this Act, including any necessary crediting or variation of reserve values.

(6) The issue of certificates for the purpose of Part I. of the principal Act by medical practitioners under agreement with insurance committees.

(7) The application of any existing provisions with respect to the administration of medical benefit to the domiciliary treatment of persons recommended for sanatorium benefit.

(8) Applying the provisions of this Act with the necessary modifications, adaptations and exceptions to deposit contributors.

(9) Enabling the accounts of deposit contributors to be kept in terms of contributions, and the amounts payable to or in respect of deposit contributors on account of benefit to be fixed in terms of contributions, and for prescribing the conditions subject to which the benefits of deposit contributors shall be paid or provided.

(10) Prescribing the amount which may be charged in respect of the expenses (by whomsoever incurred) of administering the benefits of deposit contributors and for providing for the payment of and otherwise regulating those expenses.

(11) Applying the provisions of section ninety-seven of the Friendly Societies Act, 1896, subject to any necessary modifications, to certificates of the death of insured persons required for the purpose of Part I. of the principal Act.

#### PART II.

The administration of any medical benefit or treatment the cost of which may be defrayed out of the additional sums provided by Parliament under section one of the National Insurance Act, 1913.

#### FIFTH SCHEDULE.

[Section 48.]

#### ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
1 & 2 Geo. 5, c. 55	The National Insurance Act, 1911	Subsection (3) of section one; subsection (1) of section five; section six; sections nine and ten (so far as unrepealed); section thirty-one; paragraphs (d) and (e) of subsection (1) of section thirty-eight; sections thirty-nine, forty-three, forty-four, and forty-five; subsection (1) and paragraph (g) and proviso (ii) to paragraph (h) of subsection (3), and paragraph (ii) of subsection (4) of section forty-six; section forty-seven; the words from "but for the purpose" to "as aforesaid" in subsection (1), proviso (a) to subsection (2), the words from "and the rules" to the end of the subsection in subsection (8), and subsection (9) of section forty-eight; sections fifty-one and fifty-two; subsection (2) of section fifty-three; subsection (4) of section sixty-three; section seventy; in section seventy-nine, the words from "a person whose normal" to "in his normal occupation"; in paragraph (11) of section eighty-one the words from "with the modification" to the end of the paragraph, and paragraphs (12) and (13) of the same section; Tables B and D in Part I. of, and Part III. of the Fourth Schedule.
3 & 4 Geo. 5, c. 37	The National Insurance Act, 1913	Sections four, seven, and eight; in section ten the words from "but in that case" to the end of subsection (1); sections fifteen, eighteen, twenty, twenty-one, and twenty-four, and paragraph (A) (ii) and paragraph (K) of the First Schedule.

#### CHAPTER 63.

#### NATIONAL INSURANCE (UNEMPLOYMENT) ACT, 1918.

An Act to amend the National Insurance (Part II.) (Munition Workers) Act, 1916, and to amend the National Insurance (Unemployment) Acts, 1911 to 1916, with respect to the proportion to be borne by the amount of unemployment benefit to the number of contributions paid. [6th February, 1918.]

Be it enacted, &c.:—

1. Power to exclude trades from operation of 6 & 7 Geo. 5, c. 20.]—

(1) The Minister of Labour may by Order direct that any trade or any branch of any trade, mentioned in the First Schedule to the National Insurance (Part II.) (Munition Workers) Act, 1916 (which Schedule sets out the trades to which, by that Act, the provisions of the National Insurance Act, 1911, as amended by subsequent enactments, are temporarily extended), shall be excluded from that Schedule, and accordingly section one of that Act shall have effect as though after the words "the First Schedule to this Act" there were inserted the words "except in cases where the trade, or any branch thereof, is excluded by order of the Minister of Labour."

(2) An order under this section affecting any trade or branch of a trade shall not be made unless the Minister of Labour is satisfied that, having regard to the prospects of unemployment in that trade or branch at the end of the war, and to all the circumstances of the case, it is desirable to make an order.

(3) Where an order has been made under this section, any workman and the employer of any workman shall, on making an application to the Minister of Labour for the purpose, within six months after the making of the order, and on satisfying the Minister—

(a) that the number of contributions paid in respect of that workman are less than ten; and

(b) that by reason of the order the workman has ceased to be employed in an insured trade;

be entitled to have repaid to him out of the Unemployment Fund the

amount of the contributions paid by the workman, or by the employer in respect of the workman (as the case may be), whilst the workman was employed in any trade or branch of a trade excluded by the order, after deducting (in the case of a workman) the amount of the unemployment benefit, if any, which he may have received; but if at any time after such repayment the workman becomes entitled to unemployment benefit, he shall be treated as if no contributions had been paid in respect of him whilst employed in such trade or branch of a trade.

2. *Power to vary proportion of benefit to contributions paid.*—The proportion which is required by the Seventh Schedule to the National Insurance Act, 1911 [1 & 2 Geo. 5, c. 55], to be borne by the amount of benefit received to the amount of contributions paid may be varied in such manner as may be prescribed, and accordingly that schedule shall have effect as if in the fourth paragraph thereof after the words "under this Act" there were inserted the words "or such other proportion as may be prescribed either generally or for any particular trade or branch thereof".

Provided that any variation in the said proportion shall be subject to the consent of the Treasury.

3. *Short title.*—This Act may be cited as the National Insurance (Unemployment) Act, 1918, and the National Insurance (Unemployment) Acts, 1911 to 1916, and this Act may be cited together as the National Insurance (Unemployment) Acts, 1911 to 1918.

## CHAPTER 64.

### REPRESENTATION OF THE PEOPLE ACT, 1918.

An Act to amend the Law with respect to Parliamentary and Local Government Franchises, and the Registration of Parliamentary and Local Government Electors, and the conduct of elections, and to provide for the Redistribution of Seats at Parliamentary Elections, and for other purposes connected therewith. [6A February, 1918.]

Be it enacted, &c. :—

#### PART I.

#### FRANCHISES.

1. *Parliamentary franchise (men).*—(1) A man shall be entitled to be registered as a parliamentary elector for a constituency (other than a university constituency), if he is of full age and not subject to any legal incapacity, and—

- (a) has the requisite residence qualification; or
- (b) has the requisite business premises qualification.

(2) A man, in order to have the requisite residence qualification or business premises qualification for a constituency—

- (a) must on the last day of the qualifying period be residing in premises in the constituency, or occupying business premises in the constituency, as the case may be; and
- (b) must during the whole of the qualifying period have resided in premises, or occupied business premises, as the case may be, in the constituency, or in another constituency within the same parliamentary borough or parliamentary county, or within a parliamentary borough or parliamentary county contiguous to that borough or county, or separated from that borough or county by water, not exceeding at the nearest point six miles in breadth, measured in the case of tidal water from low-water mark.

For the purposes of this sub-section the administrative county of London shall be treated as a parliamentary borough.

(3) The expression "business premises" in this section means land or other premises of the yearly value of not less than ten pounds occupied for the purpose of the business, profession, or trade of the person to be registered.

2. *University franchise (men).*—A man shall be entitled to be registered as a parliamentary elector for a university constituency if he is of full age and not subject to any legal incapacity, and has received a degree (other than an honorary degree) at any university forming, or forming part of, the constituency, or in the case of the Scottish universities is qualified under section twenty-seven of the Representation of the People (Scotland) Act, 1868 [31 & 32 Vict. c. 48], or in the case of the University of Dublin has either received a degree (other than an honorary degree) at the university, or has obtained a scholarship in the University whether before or after the passing of this Act.

3. *Local government franchise (men).*—A man shall be entitled to be registered as a local government elector for a local government electoral area, if he is of full age and not subject to any legal incapacity, and—

- (a) is on the last day of the qualifying period occupying, as owner or tenant, any land or premises in that area; and
- (b) has, during the whole of the qualifying period, so occupied any land or premises in that area, or, if that area is not an administrative county or a county borough, in any administrative county or county borough in which the area is wholly or partly situate:

Provided that—

- (i) for the purposes of this section a man who himself inhabits any dwelling-house by virtue of any office, service, or employment, shall, if the dwelling-house is not inhabited by the person in whose service he is in such office, service, or employment, be deemed to occupy the dwelling-house as a tenant; and
- (ii) for the purposes of this section the word tenant shall include a person who occupies a room or rooms as a lodger only

where such room or rooms are let to him in an unfurnished state.

4. *Franchise (women).*—(1) A woman shall be entitled to be registered as a parliamentary elector for a constituency (other than a university constituency) if she—

- (a) has attained the age of thirty years; and
- (b) is not subject to any legal incapacity; and
- (c) is entitled to be registered as a local government elector in respect of the occupation in the constituency of land or premises (not being a dwelling-house) of a yearly value of not less than five pounds or of a dwelling-house, or as the wife of a husband entitled to be so registered.

(2) A woman shall be entitled to be registered as a parliamentary elector for a university constituency if she has attained the age of thirty years and either would be entitled to be so registered if she were a man, or has been admitted to and passed the final examination, and kept under the conditions required of women by the university: the period of residence, necessary for a man to obtain a degree at any university forming, or forming part of, a university constituency which did not at the time the examination was passed admit women to degrees.

(3) A woman shall be entitled to be registered as a local government elector for any local government electoral area—

- (a) where she would be entitled to be so registered if she were a man; and
- (b) where she is the wife of a man who is entitled to be so registered in respect of premises in which they both reside, and she has attained the age of thirty years and is not subject to any legal incapacity.

For the purpose of this provision, a naval or military voter who is registered in respect of a residence qualification which he would have had but for his service, shall be deemed to be resident in accordance with the qualification.

5. *Special provisions for persons serving on war service.*—(1) A person to whom this section applies (in this Act referred to as "a naval or military voter") shall be entitled to be registered as a parliamentary elector for any constituency for which he would have had the necessary qualification but for the service which brings him within the provisions of this section.

The right to be registered in pursuance of the foregoing provision shall be in addition to any other right to be registered, but a naval or military voter shall not be entitled to be registered for a constituency in respect of an actual residence qualification in the constituency except on making a claim for the purpose, accompanied by a declaration in the prescribed form, that he has taken reasonable steps to prevent his being registered under the foregoing provision for any other constituency.

(2) The statement of any person, made in the prescribed form and verified in the prescribed manner, that he would have had the necessary qualification in any constituency but for the service which brings him within the provisions of this section, shall for all purposes of this section be sufficient if there is no evidence to the contrary.

(3) This section applies to any person who is of the age required under this Act in the case of that person and is not subject to any legal incapacity, and who—

- (i) is serving on full pay as a member of any of the naval, military or air forces of the Crown; or
- (ii) is abroad or afloat in connection with any war in which His Majesty is engaged, and is—

- (a) in service of a naval or military character for which payment is made out of moneys provided by Parliament, or (where the person serving was at the commencement of his service resident in the United Kingdom) out of the public funds of any part of His Majesty's Dominions, or in service as a merchant seaman, pilot, or fisherman, including the master of a merchant ship or fishing boat and an apprentice on such a ship or boat; or
- (b) serving in any work of the British Red Cross Society, or the Order of St. John of Jerusalem in England, or any other body with a similar object; or

- (c) serving in any other work recognised by the Admiralty, Army Council, or Air Council, as work of national importance in connection with the war.

(4) A male naval or military voter who has served or hereafter serves in or in connection with the present war shall, notwithstanding anything in this or any other Act, be entitled to be registered as a parliamentary elector if that voter at the commencement of service had attained, or during service attains, the age of nineteen years, and is otherwise qualified.

6. *Qualifying period.*—The qualifying period shall be a period of six months ending either on the fifteenth day of January, or the fifteenth day of July, including in each case the fifteenth day.

Provided that in the application of this section to a person who is a naval or military voter, or who has been serving as a member of the naval, military or air forces of the Crown at any time during the said six months and has ceased so to serve, one month shall be substituted for six months as the qualifying period.

7. *Supplemental provisions as to residence and occupation.*—(1) Where land or premises are in the joint occupation of two or more persons, each of the joint occupiers shall, for the purposes of this Part of this Act, be treated as occupying the premises, subject as follows:—

- (a) In the case of the occupation of business premises the aggregate yearly value of the premises must for the purpose of the parliamentary franchise be not less than the amount produced by multiplying ten pounds by the number of the joint occupiers; and



(b) In the case of the occupation of land or premises (not being a dwelling-house) the aggregate yearly value thereof must for the purpose of the parliamentary franchise of women be not less than the amount produced by multiplying five pounds by the number of joint occupiers; and

(c) Not more than two joint occupiers shall be entitled to be registered in respect of the same land or premises, unless they are bona fide engaged as partners carrying on their profession, trade or business on the land or premises.

(2) Residence in a house or the occupation of a house shall not be deemed to be interrupted for the purposes of this Act by reason only of permission being given by letting or otherwise for the occupation of the house as a furnished house by some other person for part of the qualifying period not exceeding four months in the whole, or by reason only of notice to quit being served and possession being demanded by the landlord of the house; but the express enactment of this provision shall not affect in any way the general principles governing the interpretation of the expression "residence" and cognate expressions.

(3) Notwithstanding anything in this Act, a man shall not be entitled to be registered as a parliamentary elector for a constituency in respect of a residence qualification though he may have been residing in premises in the constituency on the last day of the qualifying period, if he commenced to reside in the constituency within thirty days before the end of the qualifying period, and ceased to reside within thirty days after the time when he so commenced to reside.

(4) Notwithstanding anything in this Act, a person shall not be entitled to be registered as a local government elector for a local government electoral area though that person may have been occupying land or premises in the area on the last day of the qualifying period, if that person commenced to occupy the land or premises within thirty days before the end of the qualifying period, and ceased to occupy the land or premises within thirty days after the commencement of the occupation.

**9. Right of person registered to vote.**—(1) Every person registered as a parliamentary elector for any constituency shall, while so registered (and in the case of a woman notwithstanding sex or marriage) be entitled to vote at an election of a member to serve in Parliament for that constituency; but a man shall not vote at a general election for more than one constituency for which he is registered by virtue of a residence qualification, or for more than one constituency for which he is registered by virtue of other qualifications of whatever kind, and a woman shall not vote at a general election for more than one constituency for which she is registered by virtue of her own or her husband's local government qualification, or for more than one constituency for which she is registered by virtue of any other qualification.

(2) A person registered as a local government elector for any local government electoral area shall while so registered (and in the case of a woman notwithstanding sex or marriage) be entitled to vote at a local government election for that area; but where, for the purposes of election, any such area is divided into more than one ward or electoral division, by whatever name called, a person shall not be entitled to vote for more than one such ward or electoral division.

Notwithstanding anything in this provision a person may be registered for more than one such ward or division of a local government electoral area (not being a municipal borough), and may vote in any such ward or division for which he is registered at an election to fill a casual vacancy.

(3) A naval or military voter who is registered in respect of a qualification which he would have had but for his service shall be deemed for the purpose of this section to be registered by virtue of that qualification.

**9. Provisions as to disqualifications.**—(1) A person shall not be disqualified from being registered or from voting as a parliamentary or local government elector by reason that he or some person for whose maintenance he is responsible has received poor relief or other alms.

(2) Any person, being a conscientious objector to whom this sub-section applies, shall be disqualified during the continuance of the war and a period of five years thereafter from being registered or voting as a parliamentary or local government elector, unless, before the expiration of one year after the termination of the war, he proves to the central tribunal as established for the purposes of the Military Service Act, 1916 [5 & 6 Geo. 5, c. 104]—

(a) that he has during the continuance of the war taken up and, so far as reasonably practicable, continued service which constitutes a person (other than a person serving on full pay as a member of any of the naval, military, or air forces of the Crown) a naval or military voter for the purposes of this Act; or

(b) that having been exempted from military service on condition of doing work of national importance he has done such work in accordance with the decision and to the satisfaction of the appropriate tribunal or authority; or

(c) that having obtained an absolute exemption from military service without any such condition, he has nevertheless (whether before or after the passing of this Act) been engaged in and, so far as reasonably practicable, continued some work of national importance;

and obtains a certificate from the central tribunal to that effect.

This sub-section shall apply to a conscientious objector who either—

(i) has been exempted from all military service (including non-combatant service) on the ground of conscientious objection; or

(ii) having been convicted by court martial of an offence against military law, and having represented that the offence was the result

of conscientious objection to military service, has been awarded imprisonment or detention.

The central tribunal established under the Military Service Act, 1916, shall be continued for the purpose of this sub-section for a period of a year after the termination of the present war.

If a person disqualified under this sub-section would have been entitled to be registered as a parliamentary or local government elector but for that disqualification, the disqualification shall not extend so as to affect the right of the wife of that person to be registered or vote as a parliamentary or local government elector, as the case may be.

(3) A person shall not be entitled to be registered or to vote as a parliamentary or local government elector if he is not a British subject, and nothing contained in this Act shall, except as expressly provided therein, confer on any person who is subject to any legal incapacity to be registered or to vote either as a parliamentary or local government elector any right to be so registered or to vote.

(4) A person shall not be disqualified from voting at any election as a parliamentary or local government elector by reason that he is employed for payment by or on behalf of a candidate at such election, so long as the employment is legal.

(5) Any incapacity of a peer to vote at an election arising from the status of a peer shall not extend to peeresses in their own right.

**10. Provision as to qualification of councillor.**—A person shall, in addition to and without prejudice to any other qualification, be qualified to be elected a member of the local government authority for any local government electoral area if he is the owner of property held by freehold, copyhold, leasehold or any other tenure within the area of that authority.

## PART II

### REGISTRATION.

**11. Spring and autumn registers.**—(1) Two registers of electors shall be prepared in every year, of which one (in this Act referred to as the spring register) shall be made for the qualifying period ending on the fifteenth day of January, and the other (in this Act referred to as the autumn register) shall be made for the qualifying period ending on the fifteenth day of July.

(2) The spring register shall come into force on the commencement of the fifteenth day of April and remain in force until the fifteenth day of October, and the autumn register shall come into force on the commencement of the fifteenth day of October and remain in force until the fifteenth day of April.

(3) If for any reason the registration officer fails to compile a fresh spring or autumn register for his area or any part of his area, the register in force at the time when the fresh register should have come into force shall continue to operate as the register for the area or part of an area in respect of which default has been made.

**12. Registration officers and areas.**—(1) Each parliamentary borough and each parliamentary county shall be a registration area, and there shall be a registration officer for each registration area.

(2) Where the registration area is a parliamentary county and is coterminous with, or wholly contained in, one administrative county, the clerk of the county council, and where the registration area is a parliamentary borough and is coterminous with, or wholly contained in, one municipal borough, the town clerk of the borough shall be the registration officer for the area.

In any other case such clerk of the county council, or town clerk, shall be registration officer for the area as the Local Government Board may by order direct, subject to any conditions which may be made by the order as to the appointment of deputies for any part of the area.

(3) Any of the duties and powers of the registration officer may be performed and exercised by any deputy for the time being approved by the Local Government Board, and the provisions of this Act shall apply to any such deputy so far as respects any duties or powers to be performed or exercised by him as it applies to the registration officer.

(4) In the event of any vacancy in the office of any clerk of the county council or town clerk who is a registration officer, or in the event of his incapacity to act, any acts authorized or required to be done by or with respect to the registration officer may be done by or with respect to any person temporarily appointed in that behalf by the chairman of the county council or the mayor, as the case may be.

**13. Registration duties.**—(1) It shall be the duty of the registration officer to compile the spring and autumn register, and to place, or cause to be placed, on the register in accordance with the rules set out in the First Schedule to this Act the names of those entitled to vote as parliamentary electors or local government electors in his registration area, and to comply with any general or special directions which may be given by the Local Government Board with respect to the arrangements to be made by the registration officer for carrying out his duties as to registration.

If a registration officer refuses, neglects or fails without reasonable cause to perform any of his duties in connection with registration, he shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(2) His Majesty may by Order in Council prescribe the forms to be used for registration purposes and any fees to be taken in connection therewith, and alter the rules contained in the First Schedule to this Act for the purpose of carrying this Act into full effect, or for carrying into effect any Act for the time being in force amending or affecting this Act.

The rules contained in the First Schedule to this Act and any Order so made shall have effect as if enacted in this Act.

**14. Appeals.**—(1) An appeal shall lie to the county court, as defined by rules of court, from any decision of the registration officer on any claim or objection which has been considered by him under this Act, or the placing of or refusal to place any mark against any name on the register, and rules of court shall be made for the purpose of determining the procedure on any such appeals and for applying and adapting thereto any enactments relating to county courts and the procedure therein:

Provided that an appeal shall not lie where a claimant or objector has not availed himself of his opportunity, as provided in the First Schedule to this Act, of being heard by the registration officer on the claim or objection, or as to the placing of or refusing to place any such mark as aforesaid.

(2) An appeal shall lie on any point of law from any decision of the county court on any such appeal from the registration officer in accordance with Rules of the Supreme Court to the Court of Appeal, but no appeal shall lie from the decision of the Court of Appeal.

(3) The right of voting of any person whose name is for the time being on the register shall not be prejudiced by any appeal pending under this section, and any vote given in pursuance of that right shall be as good as if no such appeal were pending, and shall not be affected by the subsequent decision of the appeal.

(4) Notice shall be sent to the registration officer in manner provided by rules of court of the decision of the county court or of the Court of Appeal or any appeal under this section, and the registration officer shall make such alterations in the electors lists or register as may be required to give effect to the decision.

(5) On any appeal under this section the registration officer shall be deemed to be a party to the proceedings.

(6) If the Lord Chancellor is satisfied on the representation of the judge of any county court that the judge is unable, owing to the necessity of dealing with appeals under this Act, to transact the business of the court with proper despatch, the Lord Chancellor may appoint a barrister of at least seven years' standing to act as assistant judge for such time as the Lord Chancellor may direct, and subject to any conditions which he may impose.

Any assistant judge so appointed shall have all the powers and privileges and may perform any of the duties of the judge, whether under this Act or otherwise, to whom he has been appointed assistant.

An assistant judge shall be paid out of moneys provided by Parliament such remuneration and travelling allowances as may be allowed by the Treasury.

In the application of this provision to a county court district the whole of which is within the Duchy of Lancaster, the Chancellor of the Duchy shall be substituted for the Lord Chancellor.

**15. Expenses of registration.**—(1) Any expenses properly incurred by a registration officer in the performance of his duties in relation to registration, including all proper and reasonable charges for trouble, care and attention in the performance of those duties, and any costs incurred by him as party to an appeal (in this Act referred to as "registration expenses") shall be paid by the council whose clerk the registration officer is, or by whom he is appointed, subject, in cases where the registration area is not coterminous with or wholly contained in the area of that council, to such contributions by the council of any other county or borough as the Local Government Board may direct.

Any such expenses shall be paid in the case of the council of a county out of the county fund, and in the case requires as expenses for special county purposes, and in the case of the council of a borough out of the borough fund or borough rate, or, where there is no borough fund or borough rate, out of the fund or rate out of which the ordinary expenses of the council of the borough are paid.

(2) The Treasury may frame a scale of registration expenses applicable to all or any class or classes of those expenses, and may alter the scale as and when they think fit.

Any expenses incurred by the registration officer of a class to which the scale is applicable shall be taken to be properly incurred if they do not exceed the maximum amount determined by or in accordance with the scale, and so far as they do exceed that amount shall be taken not to have been properly incurred unless the excess is specially sanctioned by the council and the Treasury either before or after the expenses have been incurred.

If any question arises whether any expenses incurred by the registration officer of a class to which the scale is not applicable have been properly incurred or not, that question shall be referred to the Local Government Board, and the decision of the Board on the question shall be final.

(3) Any fees or other sum received by the registration officer in respect of his duties as such officer, other than sums paid to that officer in respect of his registration expenses, shall be accounted for by that officer and paid to the credit of the fund or rate out of which the expenses of that officer are paid.

(4) There shall be paid out of moneys provided by Parliament to the council of any county or borough in aid of the fund or rate out of which any registration expenses are paid by the council, in accordance with this Act, one half of the amount so paid by the council.

(5) On the request of the registration officer of any registration area for an advance on account of registration expenses, the council whose clerk the registration officer is may, if they think fit, make such an advance to him of such amount and subject to such conditions as the council may approve.

#### **16. Special provisions with respect to urban districts and London.**

(1) Where an urban district is coterminous with a registration area which is a parliamentary borough or is wholly contained in such area, this Part of this Act shall apply to that district as it applies to a municipal borough, with the substitution of the clerk of the urban district council for the town clerk, of the urban district council for the council of the borough, of the general district rate for the borough fund or borough rate, and of the chairman of the council for the mayor.

(2) Any reference to a municipal borough in this Part of this Act shall include a reference to a metropolitan borough and the City of London, with the substitution, as respects a metropolitan borough, of the clerk of the metropolitan borough council for the town clerk, and of the metropolitan borough council for the council of the municipal borough, and as respects the City of London, of the Secondary for the town clerk and of the common council for the council of the municipal borough.

Any registration expenses of a metropolitan borough council shall be paid as general expenses of the council, and any expenses of the common council shall be paid out of the general rate.

**17. Special provision as to registration of freemen, &c.**—(1) A freeman of the City of London, being a liveryman of one of the several companies who is entitled to be registered as a parliamentary elector in respect of a business premises qualification within the city, shall be entitled, if he thinks fit, to be entered in a separate list of liverymen in the register of parliamentary electors, and to record his vote for Parliament as a liveryman.

(2) The foregoing provision shall apply to the freemen of any borough if the council of the borough so resolve, and the expression "freemen" shall include any persons by whatever name called enjoying in that borough rights similar to those enjoyed by freemen of the city of London in that city.

**18. Compensation to existing officers.**—Every person who is an assistant overseer at the time of the passing of this Act, and who suffers any direct pecuniary loss in consequence of this Act, shall be entitled to have compensation paid to him as registration expenses by the council responsible for the payment of registration expenses, and in determining such compensation—

(a) regard shall be had to the conditions and other circumstances required by sub-section (1) of section one hundred and twenty of the Local Government Act, 1889 [51 & 52 Vict., c. 41], in regard to cases of compensation under that section; and

(b) the compensation shall not exceed the limit therein mentioned; and

(c) the expression in sub-section (1) of that section "The Acts and rules relating to Her Majesty's Civil Service" shall mean the Acts and rules relating to His Majesty's Civil Service which were in operation at the date of the passing of the Local Government Act, 1889; and

(d) the provisions of sub-sections (2) to (7) of the same section shall apply with such modifications (including the substitution of the "Local Government Board" for the "Treasury") as may be required, and including in sub-section (2) the substitution of the words "next before the thirtieth day of September, nineteen hundred and fourteen" for the words "next before the passing of this Act."

In this section the expression "assistant overseer" includes any person executing any of the duties of overseer, and receiving payment therefor.

**19. Register for university constituencies.**—The foregoing provisions of this Part of this Act shall not apply to university constituencies, but the governing body of every university forming, or forming part of, a university constituency, shall cause a register to be kept in such form and made up, if desired, to such dates as they may direct, of persons entitled to vote in respect of a qualification at their university, and shall make the register available for the purpose of university elections for the constituency, and shall on the application of any person allow that person at all reasonable times to inspect and take extracts from the said register:

Provided that the Governing body may direct that a person who before the passing of this Act has received a degree, but was not entitled to vote in respect thereof, shall have no right to be registered unless he makes a claim for the purpose.

The Governing body of any such university may charge such fee as they think fit, not exceeding one pound, in respect of registration to any person who receives a degree at their university after the passing of this Act, or who has received a degree before the passing of this Act but was not entitled to vote in respect thereof.

### **PART III.**

#### **METHOD AND COSTS OF ELECTIONS.**

**20. Proportional representation in certain university constituencies, and certain other constituencies if scheme for election is approved.**—(1) At a contested election for a university constituency, where there are two or more members to be elected, any election of the full number of members shall be according to the principle of proportional representation, each elector having one transferable vote as defined by this Act.

(2)—(a) His Majesty may appoint Commissioners to prepare as soon as may be after the passing of this Act a scheme under which as nearly as possible one hundred members shall be elected to the House of Commons at a general election on the principle of proportional representation for constituencies in Great Britain returning three or more members.



(b) The number of members of the House of Commons as fixed under this Act shall not be increased by any such scheme. For the purpose of such scheme the Commissioners shall (after holding such local inquiries as they may deem necessary) combine into single constituencies, returning not less than three nor more than seven members, such of the areas fixed as constituencies in the Ninth Schedule to this Act as they may select, but in selecting those areas they shall have regard to the advisability of applying the principle of proportional representation both to town and country.

(c) The scheme so prepared by the Commissioners shall be laid before both Houses of Parliament, and if both Houses by resolution adopt the scheme, the scheme shall, with any modifications or additions which may be agreed to by both Houses, take effect as if it were enacted in this Act, and the constituencies fixed under the scheme shall be substituted, so far as necessary, for the constituencies fixed under the Ninth Schedule to this Act.

(d) In any such constituency any contested election of the full number of members shall be according to the principle of proportional representation, each elector having one transferable vote as defined by this Act.

(e) His Majesty may by Order in Council make any adaptation of the provisions of this Act as to the machinery of registration or election which may appear to him to be necessary in consequence of the adoption of the scheme.

(3) His Majesty may by Order in Council frame regulations prescribing the method of voting, and transferring and counting votes, at any election, according to the principle of the transferable vote and for adapting the provisions of the Ballot Act, 1872 [35 & 36 Vict., c. 33], and any other Act relating to parliamentary elections thereto, and with respect to the duties of returning officers in connection therewith; and any such regulations shall have effect as if they were enacted in this Act.

(4) Nothing contained in this Act shall, except as expressly provided therein, affect the method of conducting parliamentary elections in force at the time of the passing of this Act.

**21. Polls to be held on one day at a general election, etc.]—**(1) At a general election all polls shall be held on one day, and the day fixed for receiving nominations shall be the same in all constituencies, and accordingly the First Schedule to the Ballot Act, 1872, shall be modified as shown in Part I. of the Second Schedule to this Act.

In the case of a bye-election, the poll shall take place on such day as the returning officer may appoint, not being less than four or more than eight clear days after the day fixed for nomination, and the First Schedule to the Ballot Act, 1872, shall be modified accordingly.

(2) Official telegraphic information of the writ having been issued for a parliamentary election may be given in such cases and by such persons as may be directed by His Majesty in Council, and any steps for holding an election which may be taken on or after the receipt of the writ may be taken on or after the receipt of an official telegraphic intimation of the writ having been issued.

(3) The time appointed for the meeting of the Parliament may be any time not less than twenty clear days after the proclamation summoning the Parliament; and the Meeting of Parliament Act, 1852 [15 & 16 Vict. c. 23], is hereby repealed.

(4) Nothing in this section shall—

(a) affect the provisions of section one of the Ballot Act, 1872, relating to the commencement afresh of the proceedings with relation to the election on the death of a candidate, or apply to proceedings so commenced afresh; or

(b) apply to a university election.

**22. Penalty for voting at a general election in more constituencies than allowed.]—**(1) If any person at a general election votes for more constituencies than he is entitled to vote for in accordance with this Act, or asks for a ballot or voting paper for the purpose of so voting, he shall be guilty of an illegal practice within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883 [46 & 47 Vict. c. 51]; and the expression "illegal practice" shall be construed accordingly: Provided that—

(a) the court before whom a person is convicted under this section may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by section ten of the Corrupt and Illegal Practices Prevention Act, 1883; and

(b) the fact that any person has asked for a ballot paper in a constituency in circumstances which entitle him only to mark a tendered ballot paper in pursuance of Rule 27 of the First Part of the First Schedule to the Ballot Act, 1872, shall not, if he does not exercise that right, prevent his voting or asking for a ballot or voting paper in another constituency; and

(c) the giving of a vote by a returning officer in pursuance of section two of the Ballot Act, 1872, in the case of an equality of votes, or the asking for a ballot paper for the purpose of so voting, shall not, for the purposes of this section, be deemed to be the giving of a vote as a parliamentary elector, or the asking for a ballot paper for the purpose of so voting.

(2) The questions set out in Part II. of the Second Schedule to this Act may be asked of any voter at a poll at a general election in addition to those authorized already to be asked; and unless there is an answer given in the negative, that person (except as provided in that Schedule) shall not vote.

**23. Voting by absent voters.]—**(1) For the purpose of giving persons whose names are entered on the absent voters list an opportunity of voting at a parliamentary election (other than a university election), the

returning officer shall, where an election is contested, as soon as practicable after the adjournment of the election, send a ballot paper to each such person at the address recorded by the registration officer, together with a declaration of identity in the prescribed form.

(2) The ballot paper marked by the absent voter and accompanied by the declaration of identity duly signed and authenticated shall, if it is received by the returning officer before the close of the poll, be counted by him and treated for all purposes in the same manner as a ballot paper placed in the ballot box in the ordinary manner.

(3) During the continuance of the present war and a period of twelve months thereafter, for the purpose of allowing more time for the receipt of ballot papers from persons whose names are entered on the absent voters list, His Majesty may by Order in Council direct that the counting of votes at any elections to which the Order applies shall, instead of taking place as soon as practicable after the close of the poll, take place at such time (not exceeding eight days after the close of the poll) as may be fixed by the Order, and returning officers shall comply with any such direction; and in any such case any vote received by the returning officer from an absent voter before the time at which the votes are to be counted shall be reckoned in the count.

(4) The following special provisions shall apply for the purpose of enabling persons whose names are entered on the absent voters list to appoint voting proxies in certain cases—

(a) His Majesty may by Order in Council direct that voting by proxy by naval or military voters shall be permitted in any area on land abroad mentioned in the Order if it appears to him that ballot papers sent to that area by post cannot reasonably be returned before the votes are counted, and that the case cannot be met by an Order under this section postponing the counting of votes:

(b) A person whose name is entered on the absent voters list, if he satisfies the registration officer—

(i) that he is a naval or military voter and is serving, or about to serve, afloat or in any area on land abroad in which voting by proxy is permitted in pursuance of an Order in Council made under this section; or

(ii) that he is a merchant seaman, pilot, or fisherman (including the master of a merchant ship or fishing boat and an apprentice on such a ship or boat) and that there is a likelihood that he will be at the time of a parliamentary election at sea or about to go to sea;

shall be entitled, if he so desires, to appoint a proxy, and, having appointed a proxy, to vote by proxy at a parliamentary election in accordance with and subject to the provisions of this Act:

(c) No ballot paper shall be sent for the purpose of voting by post to a person who has appointed a proxy under this provision while the appointment is in force, or to any naval or military voter if the returning officer knows that he is serving in an area in which voting by proxy is permitted in pursuance of an Order in Council made under this section:

(d) The provisions set out in the Third Schedule to this Act shall have effect with respect to voting by proxy.

(5) A person whose name is entered on the absent voters list shall not be entitled to vote except as an absent voter in pursuance of this section.

(6) His Majesty may by Order in Council prescribe the forms to be used for the purposes of this section, and make regulations as to the mode in which proxy papers may be issued and cancelled and in which ballot papers are to be sent to the voter for the purpose of voting by post and as to the authentication of any marked ballot papers, and generally for the purposes of carrying this section into effect and for preserving the secrecy of voting in pursuance thereof.

**24. Voting by persons in the employment of returning officers.]—**Where an elector for any constituency (other than a university constituency) is employed by the returning officer for that constituency for any purpose in connection with an election for that constituency, and the circumstances of that elector's employment are, in the opinion of the returning officer, such as to prevent him from voting at the polling station at which the elector would otherwise be entitled to vote, the returning officer may authorize the elector, by a certificate given in the prescribed form, to vote at any other polling station in the constituency, and that polling station shall, for the purpose of Rule 18 of Part I. of the First Schedule to the Ballot Act, 1872, be deemed to be the polling station allotted to that elector.

**25. Right to the use of elementary schools.]—**(1) A candidate at a parliamentary election (other than a university election) shall be entitled for the purpose of holding a public meeting in furtherance of his candidature, to the use at reasonable times between the receipt of a writ for the election and the day of the poll, of a suitable room in any public elementary school situated within the constituency for which he is a candidate:

Provided that this enactment shall not authorize the use of any room used as part of a private dwelling-house nor authorize any interference with the school hours of an elementary day or evening school.

(2) A charge may be made to cover any actual and necessary expenses incurred by the local education authority, or by the managers of the school, in respect of the preparation of the room before the meeting for the purposes of the meeting, and after the meeting for school purposes, and for warming, lighting, and cleaning the room.

(3) If by reason of the use of any room under this Act any damage is done to the school-house, or to the furniture, fittings, or apparatus, the damage shall be defrayed by the person by whom, or on whose behalf, the meeting is convened.

**26. Deposit by candidates at parliamentary elections.**—(1) A candidate at a parliamentary election, or someone on his behalf, shall deposit, or cause to be deposited, with the returning officer, during the time appointed for the election, the sum of one hundred and fifty pounds, and, if he fails to do so, he shall be deemed to be withdrawn within the provisions of the Ballot Act, 1872.

(2) The deposit may be made by the deposit of any legal tender or, with the consent of the returning officer, in any other manner.

(3) If after the deposit is made the candidate is withdrawn in pursuance of the provisions of the Ballot Act, 1872, the deposit shall be returned to the person by whom the deposit was made; and if the candidate dies after the deposit is made, and before the poll is commenced, the deposit, if made by him, shall be returned to his legal personal representative, or, if not made by him, shall be returned to the person by whom the deposit was made.

**27. Forfeiture of deposit in certain cases.**—(1) If a candidate who has made the required deposit is not elected, and the number of votes polled by him does not exceed, in the case of a constituency returning one or two members, one-eighth of the total number of votes polled, or in the case of a constituency returning more than two members one-eighth of the number of votes polled divided by the number of members to be elected, the amount deposited shall be forfeited to His Majesty; but in any other case that amount shall be returned to the candidate, where the candidate is elected, as soon as he has taken the oath as a member, and, where the candidate is not elected, as soon as practicable after the result of the election is declared:

Provided that where a candidate is nominated at a general election in more than one constituency he shall in no case recover his deposit more than once, and in such case the deposits shall be forfeited to His Majesty except such one as the Treasury direct to be returned to the candidate.

(2) For the purposes of this section the number of votes polled shall be deemed to be the number of ballot papers (other than spoilt ballot papers) counted; and where the election is held under the system of the transferable vote the number of votes polled by a candidate shall be the number of votes polled by him as first preferences.

**28. Returning officers.**—The returning officer at a parliamentary election (other than a university election) shall, notwithstanding anything in any other Act, be—

(1) In the case of a parliamentary county which is coterminous with, or wholly contained in, one administrative county, the sheriff;

(2) In the case of a parliamentary borough which is coterminous with, or wholly contained in, a county of a city or town having a sheriff, the sheriff, and in the case of the City of London, the sheriffs;

(3) In the case of a parliamentary borough which is coterminous with, or wholly contained in, one municipal borough (not being a county of a city or town having a sheriff), or one metropolitan borough, or one urban district, the mayor or chairman of the council, as the case requires; and

(4) In any other case, such sheriff, mayor, or chairman, as may be designated for the purpose by the Local Government Board.

**29. Payment of returning officers' expenses by Treasury.**—(1) The returning officer at a parliamentary election (other than a university election) shall be entitled to his reasonable charges, not exceeding the sums specified in the scale of maximum charges framed under this section, in respect of services and expenses of the several kinds mentioned in the said scale which have been properly rendered or incurred by him for the purposes of or in connexion with the election.

(2) The amount of any such charges shall be paid by the Treasury out of moneys provided by Parliament on an account being submitted to the Treasury in accordance with regulations made under this section; but the Treasury may, if they think fit, before payment apply to the court as defined by this section for the taxation of the account, and the court shall have jurisdiction to tax the account in such manner and at such time and place as the court thinks fit, and finally to determine the amount payable to the returning officer.

On the request of the returning officer for an advance on account of his charges, the Treasury may, if they think fit, and on such terms as they think fit, make such an advance.

(3) Where an application is made for the taxation of a returning officer's account, the returning officer may apply to the court to examine any claim made by any person against him in respect of matters charged in the account; and the court, after notice given to the claimant and after giving him an opportunity to be heard and to tender any evidence, may allow or disallow or reduce the claim objected to, with or without costs; and the determination of the court shall be final for all purposes and as against all persons.

(4) The Treasury shall prescribe a scale of maximum charges for the purposes of this section and may revise the scale as and when they think fit, and may also make regulations as to the time when and manner and form in which accounts are to be rendered to them for the purpose of the payment of the charges.

(5) The court for the purposes of this section shall be, as respects an election in the City of London, the Mayor's Court; and elsewhere in England and in Ireland the county court having jurisdiction at the place of nomination for the election to which the proceedings relate; and as regards Scotland "the court" shall mean the Auditor of the Court of Session.

**30. Discharge of returning officers' duties by an acting returning officer.**—Except as herein provided the duties of returning officer at

parliamentary elections (other than a university election) shall be discharged by the registration officer as acting returning officer, and the acting returning officer shall have all the powers, duties, rights and liabilities of the returning officer under any enactments relating to parliamentary elections, and those enactments (including this Act) shall have effect accordingly and the acting returning officer shall have power to appoint deputies.

This section shall not apply to any duties which the returning officer reserves to himself and undertakes to perform in person.

Any appointment of a deputy by the acting returning officer shall be subject to the approval of the Local Government Board.

A returning officer at a parliamentary election shall not, if all his duties are discharged by the acting returning officer, be disqualified by reason of being returning officer for being a candidate at the election.

**31. Division of constituency into polling districts, and appointment of polling places.**—(1) It shall be the duty of the council whose clerk is the registration officer for any constituency or by whom the registration officer is appointed, as occasion requires, to divide the constituency into polling districts, and to appoint polling places for the polling districts, in such manner as to give to all electors in the constituency such reasonable facilities for voting as are practicable in the circumstances:

Provided that, before dividing any constituency in the administrative county of London into polling districts, the authority therefor shall send a draft of any scheme for that purpose to the London County Council, and shall take into consideration any representations made to them by that Council.

(2) If a local authority, or not less than thirty electors, in a constituency make a representation to the Local Government Board that the polling districts or polling places do not meet the reasonable requirements of the electors in the constituency, or any body of electors, the Local Government Board shall consider the representation, and may, if they think fit, direct the council whose duty it is to divide the constituency into polling districts to make such alterations as the Board think necessary in the circumstances, and if the council fail to make those alterations within a month after the direction is given may themselves make the alterations, and any alterations so made shall have effect as if they had been made by the council.

In this provision the expression "local authority" means as respects any constituency the council of any county, borough, urban or rural district, or parish wholly or partly situate in the constituency, or the parish meeting of any parish so situate where there is no parish council.

(3) On the exercise of any powers given by this section the council by whom the powers are exercised shall send to the Local Government Board a report, and publish in the constituency a notice, showing the boundaries of any polling districts or the situation of any polling places constituted as a result of the exercise of the power.

(4) An election shall not be questioned by reason of any non-compliance with the provisions of this section or any informality relative to polling districts or polling places.

(5) This section shall not apply to university constituencies.

(6) Nothing in this section shall affect any polling districts or polling places constituted before the passing of this Act until occasion arises for the exercise of the powers given by this section.

**32. Place of election.**—The place of election shall be fixed for each constituency (other than a university constituency) by the returning officer, and shall be—

(a) if the constituency is a parliamentary borough, or a division of a parliamentary borough, some place within the borough; and

(b) if the constituency is a parliamentary county, or a division of a parliamentary county, some place within the county or within a parliamentary borough adjoining the county.

**33. Scale of election expenses.**—(1) The provisions set out in the Fourth Schedule to this Act shall be substituted for Part IV. and paragraph (3) of Part V. of the First Schedule to the Corrupt and Illegal Practices Prevention Act, 1883 (which relate to the maximum scale of election expenses), and that Act shall have effect accordingly.

(2) Any candidate at a parliamentary election shall, subject to regulations of the Postmaster-General, be entitled to send, free of any charge for postage, to each registered elector for the constituency, one postal communication containing matter relating to the election only, and not exceeding two ounces in weight:

Provided that a candidate shall not be entitled to exercise the right of free postage conferred by this provision before he is duly nominated, unless he has given such security as may be required by the Postmaster-General for the payment of postage in case he does not eventually become nominated.

For the purpose of this provision candidates who are, under paragraph (4) of Part V. of the First Schedule to the Corrupt and Illegal Practices Prevention Act, 1883, deemed to be joint candidates at an election shall be treated as a single candidate.

**34. Expenses incurred by unauthorised persons.**—(1) A person other than the election agent of a candidate shall not incur any expenses on account of holding public meetings or issuing advertisements, circulars or publications for the purpose of promoting or procuring the election of any candidate at a parliamentary election, unless he is authorized in writing to do so by such election agent.

(2) If any person acts in contravention of this section, he shall be guilty of a corrupt practice other than personation within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883; and the expression "corrupt practice" shall be construed accordingly:



Provided that the court before whom a person is convicted under this section may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by section six of the Corrupt and Illegal Practices Prevention Act, 1883.

(3) Any expenses incurred on account of any such purpose as aforesaid and authorized by the election agent of the candidate shall be duly returned as part of the candidate's election expenses.

**35. Certain Acts to have permanent effect.**—The following Acts, that is to say,—

The Ballot Act, 1872;

The Parliamentary Elections (Returning Officers) Act, 1875 [38 & 39 Vict., c. 64];

The Parliamentary Elections Returning Officers Expenses (Scotland) Act, 1878 [41 & 42 Vict., c. 41];

The Parliamentary Elections and Corrupt Practices Act, 1880 [43 Vict., c. 18];

The Corrupt and Illegal Practices Prevention Act, 1883;

The Municipal Elections (Corrupt and Illegal Practices) Act, 1884 [47 & 48 Vict., c. 70];

The Local Government (Elections) Act, 1896 [59 & 60 Vict., c. 1]; shall become permanent Acts, and any provision in any Act in force at the date of the passing of this Act which limits the period for which any of those Acts are to remain in operation shall cease to have effect.

**36. Conduct of elections for university constituencies.**—(1) The provisions contained in Part I. of the Fifth Schedule to this Act shall have effect with respect to elections for university constituencies other than the Scottish university constituency, and the provisions contained in Part II. of that Schedule shall have effect with respect to elections for the Scottish university constituency, and His Majesty may, by Order in Council, make such regulations as appear necessary or desirable for giving full effect to those provisions and for the effective and proper conduct of those elections.

Any such regulations may be made so as to be applicable generally to elections for university constituencies or specially to elections for any particular university constituency.

(2) This Part of this Act shall, except as expressly provided, apply to university constituencies and university elections.

(3) In the application of the provisions of this Act which are applicable to university constituencies and university elections to those constituencies and elections the following modifications shall have effect:—

(a) "Voting paper" shall be substituted for "ballot paper," and for any reference to the Ballot Act, 1872, there shall be substituted a reference to the corresponding provision of this Act, or regulations made thereunder in relation to university constituencies or university elections;

(b) It shall not be necessary to prepare an absent voters list, but the right to vote by proxy may be exercised by any person who would be entitled to exercise such right if his name were entered on an absent voters list, so long as all other conditions enabling him to vote by proxy are fulfilled;

(c) Where a candidate's deposit is forfeited the deposit shall be retained by the university.

#### PART IV.

##### REDISTRIBUTION OF SEATS.

**37. Redistribution of seats.**—(1) Each of the areas mentioned in the first column of the First Part of the Ninth Schedule to this Act shall be a parliamentary borough returning the number of members specified opposite thereto in the said Schedule, and where so provided in the Schedule shall be divided into the divisions specified therein, and each such division shall return one member.

(2) Each of the areas mentioned in the first column of the Second Part of the Ninth Schedule to this Act shall be a parliamentary county returning the number of members specified opposite thereto in the said Schedule, and where so provided in the Schedule shall be divided into the divisions specified therein, and each such division shall return one member.

(3) Each of the universities and combinations of universities mentioned in the Third Part of the Ninth Schedule to this Act shall be a constituency returning the number of members specified opposite thereto in the said Schedule.

(4) The distribution of seats in Great Britain under this Part of this Act shall take the place of the distribution of seats existing at the time of the passing of this Act; and all writs for parliamentary elections and other documents consequent upon the writs or relating to parliamentary elections or the registration of electors shall be framed and expressed in such manner and form as may be necessary for carrying into effect the provisions of this Act.

#### PART V.

##### GENERAL.

**38. Punishment of Offences committed outside the United Kingdom.**—Where any person commits out of the United Kingdom any act which if that act had been committed in the United Kingdom would have rendered that person liable to prosecution and punishment under the Ballot Act, 1872, or the Corrupt and Illegal Practices Prevention Act, 1883 (as amended by any subsequent Act), or under this Act, that person shall be liable to be proceeded against and punished as though the act had been committed in the United Kingdom at any place where that person may for the time being be.

For the purposes of any such prosecution any period prescribed as the period within which proceedings may be commenced shall be reckoned as from the date on which the person charged returned to the United Kingdom next after the commission of the offence.

**39. Re-arrangement of polling districts to suit new constituencies.**—The council having power to divide a constituency into polling districts shall, not later than one month after the passing of this Act, take into consideration the division of the constituency into polling districts, and make any re-arrangements of those districts and of polling places which it appears necessary to make as a consequence of alterations effected by this Act.

**40. Regulations to be laid before Parliament.**—(1) All rules, regulations, or provisions made by Order in Council under this Act shall be laid before each House of Parliament forthwith; and unless and until an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat next after any such rule, regulation, or provision is laid before it, praying that the rule, regulation, or provision may be annulled, the rule, regulation, or provision shall have effect as if enacted in this Act.

(2) Any Order in Council under this Act may be revoked or varied as occasion requires by any subsequent Order in Council.

**41. Interpretation.**—In this Act, unless the context otherwise requires,—

(1) The expression "constituency" means any county, borough, or combination of places, or university or combination of universities, returning a member to serve in Parliament; and, where a county or borough is divided for the purpose of parliamentary elections, means a division of the county or borough so divided; and elections for any such division shall be held in the same manner and subject to the same provisions as those for undivided counties or boroughs;

(2) The expression "local government electoral area" means the area for which any county council, municipal borough council, metropolitan borough council, district council, board of guardians, parish council, or any other body elected at the time of the passing of this Act by persons on the local government register or on the register of parochial electors is elected; and the expression "local government election" means an election for any such council, board, or body;

(3) The expression "general election" means an election of members to serve in a new Parliament of the United Kingdom;

(4) The expression "university constituency" means a constituency consisting of a university or a combination of universities; and the expression "university election" means an election of a member or members of Parliament for a university constituency;

(5) A person who is an inmate or patient in any prison, lunatic asylum, workhouse, poorhouse, or any other similar institution shall not by reason thereof be treated as resident therein for any purpose of this Act;

(6) The expression "transferable vote" means a vote—  
(a) capable of being given so as to indicate the voter's preference for the candidates in order; and

(b) capable of being transferred to the next choice when the vote is not required to give a prior choice the necessary quota of votes, or when, owing to the deficiency in the number of the votes given for a prior choice, that choice is eliminated from the list of candidates;

(7) For the purposes of registration a person's age shall be taken to be that person's age on the last day of the qualifying period;

(8) The expression "dwelling-house" includes any part of a house where that part is occupied separately as a dwelling-house;

(9) The yearly value of land or premises shall be taken to be the gross estimated rental, or in the metropolis the gross value, where those premises are separately assessed to rates, and in any other case shall be deemed to be the amount which would in the opinion of the registration officer be the gross estimated rental or gross value, as the case requires if they were separately assessed;

(10) The expression "afoat" and expressions relating to service afoat in connection with naval and military voters shall be interpreted in accordance with rules made for the purpose by the Admiralty;

(11) The expression "prescribed" means prescribed by His Majesty by Order in Council.

**42. Adaptation of Acts.**—The parliamentary and the local government franchises enacted by this Act shall take the place of all parliamentary and, so far as respects local government elections within the meaning of this Act, of all local government franchises existing at the time of the passing of this Act; and the provisions set out in the Sixth Schedule to this Act with respect to the adaptation of Acts shall have effect for the purpose of adapting the law to the provisions of this Act.

**43. Application to Scotland.**—This Act shall apply to Scotland, subject to the following modifications:—

(1) Unless the context otherwise requires—

(a) The word "borough" except as used in the expression "parliamentary borough" means "burgh";

(b) The expression "local government electoral area" means the area for which any county council, town council, parish

council, or school board, is elected, and "local government election" means an election for any such council or board;

(c) The expression "the Local Government Board" (except where otherwise expressly provided) means the Secretary for Scotland;

(d) The expression "Valuation Acts" means the Lands Valuation (Scotland) Act, 1854 [17 & 18 Vict. c. 91], and any Acts amending the same;

(e) The expression "governing body" used in relation to a university means the university court;

(f) A reference to the Supreme Court shall be construed as a reference to the Court of Session;

(g) A reference to the Court of Appeal shall be construed as a reference to the Court of three judges of the Court of Session constituted by the twenty-third section of the Representation of the People (Scotland) Act 1868;

(h) A reference to the county court shall be construed as a reference to the sheriff court;

(2) The yearly value of any subjects shall be taken to be the value appearing in the valuation roll where those subjects are separately valued in that roll, and in any other case shall be deemed to be the value which would in the opinion of the registration officer be entered therein if they were so valued;

(3) The section of this Act relating to local government franchise (men) shall not apply, and in lieu thereof—

(a) A man who is of full age and not subject to any legal incapacity shall be entitled to be registered as a local government elector for a local government electoral area if he is on the last day of the qualifying period and has been during the whole of that period

(i) the owner of lands and heritages within the area of the yearly value of not less than ten pounds: Where such lands and heritages are in the joint ownership of two or more persons and the aggregate yearly value of the lands and heritages is not less than the amount produced by multiplying ten pounds by the number of the joint owners, each of the joint owners shall be treated as owning lands and heritages of the yearly value of not less than ten pounds; or

(ii) the occupier as tenant of lands and heritages within the area of the yearly value of not less than ten pounds: Where such lands and heritages are in the joint occupation as tenants of two or more persons, and the aggregate yearly value of the lands and heritages is not less than the amount produced by multiplying ten pounds by the number of the joint occupiers, each of the joint occupiers shall be treated as occupying lands and heritages of the yearly value of not less than ten pounds; or

(iii) the inhabited occupier as owner or tenant of a dwelling-house within the area; or

(iv) The occupier of lodgings within the area of the yearly value if let unfurnished of not less than ten pounds: Where such lodgings are in the joint-occupation of not more than two persons and the aggregate yearly value as aforesaid of the lodgings is not less than twenty pounds, each of the joint lodgers shall be treated as occupying lodgings of the yearly value of not less than ten pounds; or

(v) the inhabitant occupier by virtue of any office, service, or employment of a dwelling-house within the area which is not inhabited by the person in whose service he is in such office, service, or employment;

(b) The ownership or occupation in immediate succession of different lands and heritages, dwelling-houses, or lodgings, as the case may be, in the same parliamentary county or in the same parliamentary borough shall have the like effect in qualifying a man to be registered as a local government elector for a local government electoral area therein, respectively, as the continued ownership or occupation of the same lands and heritages, dwelling-houses, or lodgings within that area;

(c) In this section "owner" shall include heir or entail in possession, life-renter, and beneficiary entitled under any trust to the rents and profits of lands and heritages and shall not include the fiar of lands and heritages subject to a life-rent, nor tutor, curator, judicial factor, nor commissioner; "lands and heritages" has the same meaning as in the Valuation Acts, and "dwelling-house" means any house or part of a house, occupied as a separate dwelling;

(4) Sub-section (1) of the section of this Act relating to franchises (women) shall not apply, and in lieu thereof—

(a) A woman who is not subject to any legal incapacity shall be entitled to be registered as a parliamentary elector for a constituency (other than a university constituency) if she has attained the age of thirty years, and if either she or her husband is on the last day of the qualifying period occupying as owner or tenant any land or premises in the constituency (hereinafter in this sub-section called "the qualifying premises"), and has during the whole of the qualifying period so occupied any land or premises in the county or county of a city in which the qualifying premises are situated;

(b) For the purposes of this sub-section—

(i) the word "tenant" shall include a person who in-

habits by virtue of any office, service, or employment any dwelling-house which is not inhabited by the person in whose service he or she is in such office, service, or employment;

(ii) the word "tenant" shall include a person who occupies a room or rooms as a lodger only where such room or rooms are let to him or her in an unfurnished state;

(iii) the expression "land or premises" means any land or premises (other than a dwelling-house) of the yearly value of not less than five pounds or any dwelling-house;

(iv) a woman, though she or her husband may have been occupying land or premises in the constituency on the last day of the qualifying period, shall not be entitled to be so registered, if she or her husband, as the case may be, commenced to occupy the land or premises within thirty days before the end of the qualifying period and ceased to occupy them within thirty days after the commencement of such occupation;

(v) the word "county" means a county inclusive of all burghs therein except a county of a city, and the word "dwelling-house" means any house or part of a house occupied as a separate dwelling;

(vi) where land or premises are in the joint occupation of two or more persons, each of the joint occupiers shall be treated as occupying the same, provided that not more than two joint occupiers shall be so treated in respect of the same land or premises, unless they are bona fide engaged as partners, carrying on their profession, trade, or business on the land or premises, and provided further that in the case of land or premises (other than a dwelling-house) the aggregate yearly value thereof must be not less than the amount produced by multiplying five pounds by the number of joint occupiers;

(c) A woman registered by virtue of this section shall be deemed to be registered by virtue of her own or her husband's local government qualification;

(5) Sub-section (1) of the section of this Act relating to supplemental provisions as to residence and occupation shall not apply except in so far as that sub-section relates to the parliamentary franchise for men, and sub-section (4) of the said section shall not apply;

(6) The section of this Act relating to provisions as to disqualifications shall have effect, as if the following provision were enacted therein:

A person shall not be disqualified from being registered or from voting as a parliamentary or local government elector by reason that he is the town clerk or deputy town clerk of any burgh or the assessor under the Valuation Acts in any burgh or county;

(7) The section of this Act relating to provision as to qualification of councillor shall not apply;

(8) The section of this Act relating to registration officers and areas shall not apply, and in lieu thereof—

Each burgh, the town council whereof was entitled under the law in force at the passing of this Act to appoint an assessor for the purpose of parliamentary registration, and each county (exclusive of every such burgh), or, where any county is divided for the purpose of parliamentary elections, each part of the county (with the like exclusion) which lies within a separate parliamentary division, shall be a registration area; and the assessor of the burgh or county under the Valuation Acts, or where there are two or more such assessors, one of them appointed for the purpose of parliamentary registration by the town or county council, as the case may be, shall be the registration officer of that area, and all other assessors (if any) in that area shall, for the purpose of the registration of parliamentary and local government electors, be subject to the instructions of the registration officer and shall be bound to act on such instructions;

Provided that, from and after the date when the first register under this Act shall have been completed, an officer of Inland Revenue shall not be appointed or continue to act as assessor for any burgh or county under the Valuation Acts without the consent of the Treasury;

(9) The provisions regarding the appointment of an assistant judge in the section of this Act relating to appeals shall not apply;

(10) In the application of the section of this Act relating to right to the use of elementary schools the expression "any public elementary school" means "any school in receipt of a parliamentary grant";

(11) The first sub-section of the section of this Act relating to expenses of registration shall not apply, and in lieu thereof—

Any expenses properly incurred by any registration officer in the performance of his duties in relation to registration, including all proper and reasonable charges for trouble, care and attention in the performances of those duties and any cost incurred by him as party to an appeal (in this Act referred to as "registration expenses"), shall be paid by the council appointing the registration officer: Provided that, where a burgh within the meaning of the Local Government (Scotland) Act, 1889 [52 & 53 Vict., c. 50], is not a separate registration area, the council thereof shall pay to the council appointing the registration officer a contribution towards the registration expenses, and sub-section (4) of section sixty and section sixty-six of that Act shall apply, with the neces-



sary modifications, to such contribution. The amount necessary to defray any registration expenses or any contribution thereto, as the case may be, shall be assessed and levied in any one of the modes allowed by the Valuation Acts with respect to the costs and expenses of making up the valuation roll:

(12) In sub-section (5) of the section of this Act relating to expenses of registration the expression "the council whose clerk the registration officer is" means "the council appointing the registration officer":

(13) The sections of this Act relating to returning officers and to discharge of returning officers' duties by an acting returning officer shall not apply, and in lieu thereof—

The returning officer at parliamentary elections (other than a university election) shall as heretofore be the sheriff of the sheriffdom within which the constituency is wholly situated or, where the constituency is situated in more than one sheriffdom, the sheriff specified in the Seventh Schedule to this Act, and the power of appointing deputies conferred by section eight of the Ballot Act, 1872, on certain sheriffs shall be exercised by any sheriff who is returning officer for more than one constituency or who, by reason of sickness or unavoidable absence, is incapacitated from performing any of the duties devolving upon him as returning officer, and in the event of no such appointment being made by a sheriff so incapacitated or in the event of any vacancy in the office of sheriff at the time when any of such duties require to be performed, the sheriff substitute at the place at which the writ for the election is appointed to be received shall act as returning officer, and shall perform all the duties and have all the powers (including the power of appointing deputies) of such returning officer:

(14) Notwithstanding the provisions of sub-section (1) of the section of the Act relating to polls to be held on one day at a general election, &c., the poll at any general or bye-election for the constituency of Orkney and Zetland shall remain open for two consecutive days as heretofore:

(15) The provisions of the last paragraph of the section of this Act relating to register for university constituencies shall not apply, and the said section shall have effect as if regulation sixteen of section two of the Universities Elections Amendment (Scotland) Act, 1881 [44 & 45 Vict. c. 40], were enacted therein in lieu of the said paragraph:

(16) The section of this Act relating to place of election shall not apply, and in lieu thereof—

In the case of parliamentary elections (other than an election for a university constituency), the place of election shall be a convenient room situated in such place as the Secretary for Scotland may by order from time to time determine:

(17) In the application of the section of this Act relating to division of constituency into polling districts and appointment of polling places, and of the section of this Act relating to re-arrangement of polling districts to suit new constituencies, the returning officer shall be substituted for the council having a power or duty under those sections to divide a constituency into polling districts, and the Lord Advocate shall be substituted for the Local Government Board:

(18) Notwithstanding anything in this Act it shall not in the year nineteen hundred and nineteen and subsequent years be necessary—

(a) As regards any burgh or any registration unit therein, if the town council of the burgh so resolve, to show or distinguish in any spring register the names of persons entitled to vote as local government electors; or

(b) As regards any county or any registration unit therein, if the county council of the county so resolve, to show or distinguish in any register other than the autumn register in those years in which county council elections fall to be held the names of persons entitled to vote as local government electors:

Provided that—

(i) a resolution under this section shall not have effect unless it is passed as respects the spring register in any year before the first day of January in that year, and as respects the autumn register in any year before the first day of July in that year;

(ii) for all the purposes of the registration of local government electors in any burgh or county or registration unit therein to which any such resolution applies, the last preceding local government register shall remain in force until a new local government register comes into force:

In this sub-section "burgh" has the same meaning as in the Town Councils (Scotland) Act, 1900 [63 & 64 Vict. c. 49], and "county" means a county exclusive of any such burgh:

(19) Except as expressly provided in this Act—

(a) Nothing in this Act shall take effect so as to deprive any royal or parliamentary burgh losing separate representation under this Act of any right, privilege, or status, whether for purposes of local government or otherwise, hitherto enjoyed by such burgh as a royal or parliamentary burgh; and

(b) Nothing in this Act or in any Act in force at the passing of this Act as read with this Act shall take effect so as to confer upon any police burgh acquiring separate representation under this Act any rights, privileges, or status, whether for purposes of local government or otherwise, not enjoyed by other police burghs.

In this sub-section the references to royal, parliamentary, or police burghs shall be deemed to include references to the magistrates, town councils, and officers thereof respectively, and the

expression "separate representation" shall be construed as meaning the right to return, or to contribute as a burgh to return, a member, or members to Parliament.

44. *Application to Ireland.*—This Act shall apply to Ireland subject to the following modifications:—

(1) References to the Lord Chancellor shall be construed as references to the Lord Chancellor of Ireland.

The Lord Chancellor shall not sit as a member of the Court of Appeal on the hearing of appeals from the county court under this Act.

In any county in which the jurisdiction of the county court is exercised for the time being by two or more county court judges, the appeals from the registration officer shall be dealt with by such one of those judges or his assistant judge as may be directed by the Lord Chancellor, or shall be distributed amongst those judges and their assistant judges according as may be so directed.

For the purposes of this Act, county court rules, orders, and scales of fees, costs, and charges may be made under sections seventy-nine, eighty-three, and eighty-four of the County Officers and Courts (Ireland) Act, 1877 [40 & 41 Vict. c. 56]; but the provisions of those sections as to the concurrence of, or certification by, county court judges or the recorder shall not apply:

(2) The reference to the Local Government Board in relation to the approval of a deputy for the execution of any of the powers and duties of a registration officer shall be construed as a reference to the Lord Lieutenant, and other references to that Board shall be construed as references to the Local Government Board for Ireland:

(3) (a) The clerk of the crown and peace for an administrative county, not being a county borough, shall be the registration officer for any parliamentary county which is coterminous with, or the whole or greater part of which is contained in, the administrative county, and for any parliamentary borough of which the whole or greater part is contained in the administrative county and no part is contained in a county borough, and the clerk of the crown and peace for a county borough shall be the registration officer for any parliamentary borough which is coterminous with, or the whole or any part of which is contained in, the county borough, and the council of that administrative county or county borough, as the case may be, shall be the council by which the registration expenses of that registration officer are to be paid, subject in cases where the parliamentary county or parliamentary borough is not coterminous with, or wholly contained in, the administrative county or county borough, as the case may be, to such contribution by the council of any other administrative county or county borough as the Local Government Board may direct: Provided that the registration expenses to be paid by a council shall not include any charges for trouble, care, and attention, in the performance of duties which are performed by the registration officer in person: Provided also that the persons who, at the passing of this Act, are town clerks for the county borough of Dublin and the county borough of Belfast, respectively, shall, so long as they hold their respective offices, be the registration officers for the parliamentary borough of Dublin and the parliamentary borough of Belfast, respectively, and that the last preceding proviso shall not apply in their case.

(b) The registration expenses shall be paid in the case of the council of a county borough, out of the rate or fund out of which the general expenses of the council are paid, or out of any other rate or fund which the Local Government Board may on the application of the council approve, and, in the case of a council of any other administrative county, out of the poor rate as a county at large charge, except in cases to which section twelve of the Parliamentary Registration (Ireland) Act, 1885 [48 & 49 Vict. c. 17], applies:

(c) In the event of any vacancy in the office of registration officer or in the event of the registration officer's incapacity to act, the powers and duties of the registration officer may be exercised and performed by any person temporarily appointed in that behalf by the Lord Chancellor:

(d) The power of advancing sums to a registration officer on account of registration expenses shall be exercisable by the council by which those expenses are to be paid:

(e) This section, in its application to the county of Tipperary, shall have effect as if each parliamentary division of the county were a separate parliamentary county, and as if the clerk of the crown and peace for the entire county were clerk of the crown and peace for the administrative counties of the North Riding and the South Riding respectively:

(4) Where an administrative county is divided into ridings the Lord Lieutenant may, by order, divide the parliamentary county into a corresponding number of registration areas, and make any adaptations of this Act which may be necessary in consequence of the division, and the clerk of the crown and peace for any riding shall be registration officer for such of those areas as may be directed by the Lord Lieutenant:

(5) For the purposes of appeals from the registration officer, and also for the purpose of the revision of jurors' lists, the powers and jurisdiction of the county court shall, unless and until the Lord Lieutenant otherwise direct, be exercised, as respects the parliamentary borough of Dublin, by the persons who are at the time of the passing of this Act Dublin revising barristers, and as respects

the parliamentary county of Dublin by the person who is at the time of the passing of this Act, revising barrister for that county; but while those powers are so exercised, the provisions of this Act as to county courts shall apply to those persons as they apply to county courts, with the necessary modifications, and in particular with the modification that assistant judges may be appointed to assist those persons if, in the opinion of the Lord Chancellor, such appointment is necessary in order to enable the appeals to be disposed of with proper despatch:

(6) The expenses of any printing required in connection with registration shall be treated as part of the expenses of the registration officer under this Act, notwithstanding that the printing is arranged for by the county council under section ninety-six of the Local Government (Ireland) Act, 1898 [61 & 62 Vict. c. 37]:

(7) The expression "assistant overseer" means a town clerk, secretary of a county council, clerk of an urban district council, an existing clerk of the union, within the meaning of the Local Government (Ireland) Act, 1898, and a collector of poor rate:

(8) Notwithstanding the limit imposed in sub-section (2) of section twenty-seven of the County Officers and Courts (Ireland) Act, 1877, the salaries of clerks of the crown and peace may be increased by orders made under that sub-section to such extent as appears to the Lord Lieutenant and Council, with the concurrence of the Treasury, to be proper, having regard to the additional duties imposed on those officers by this Act: Provided that the liability of a clerk of the crown and peace to account for sums other than registration expenses received by him as registration officer shall not extend to any such increase of salary:

(9) The provisions with respect to the division of constituency into polling districts and appointment of polling places shall have effect with the following modifications:—

(a) A reference to the council by which the registration expenses of the registration officer for any constituency are to be paid shall be substituted for the reference to the council whose clerk the registration officer for any constituency is, or by whom the registration officer is appointed:

(b) The powers of a council under the said provisions shall be exercised in accordance with rules made by the Local Government Board, and any exercise of the powers shall be subject to confirmation by that Board who may confirm the proposed division, appointment or alteration either with or without modifications, or may withhold confirmation:

(c) The Board may cause a local inquiry to be held as respects any questions arising in connection with the said provisions, and article thirty-two of the schedule to the Local Government (Application of Enactments) Order, 1898, shall apply to any such inquiry:

(10) Part IV. of this Act, and the provisions with respect to an urban district which is coterminous with, or wholly contained in, a registration area, or with respect to the persons who are to be returning officers, or with respect to the discharge of returning officers' duties by an acting returning officer, or with respect to place of election, or with respect to the right to the use of elementary schools, shall not apply:

(11)—(a) The qualifying period shall be a period of six months ending on the fifteenth day of July and including that day:

Provided that one month shall be substituted for six months in the application of this provision to a person who is a naval or military voter or who has been serving as a member of the naval, military, or air forces of the Crown at any time during the said six months and has ceased so to serve;

(b) One register of electors only shall be made in each year, and all provisions applicable to the autumn register shall apply as respects the yearly register (except that the yearly register shall remain in force until the fifteenth day of October in the next following year), and the provisions as to the preparation of two registers in each year and as to the spring register shall not apply:

(12) The yearly value of premises shall be taken to be the rateable value where those premises are separately valued, and in any other case shall be deemed to be the amount which would, in the opinion of the registration officer, be the rateable value if they were separately valued:

(13) A person shall not be entitled to be registered or vote for a parliamentary county constituency in respect of a qualification in a parliamentary borough constituency:

(14) The following proviso shall be substituted for the proviso at the end of sub-section (2) of section eight: "Nothing in this provision shall prevent a person voting at an election to fill a casual vacancy in a borough council in any ward for which he is registered."

45. *Application of Act to the Isles of Scilly.*—The provisions of this Act shall apply to the Isles of Scilly as if those isles were an administrative county, and as if the council of those isles were a county council, and any expenses incurred by the council under this Act shall be paid as general expenses of the council.

46. *Commencement of Act and first register.*—(1) This Act shall come into operation on the passing thereof: Provided that nothing in this Act shall affect—

(a) any parliamentary register for the time being in force, or any parliamentary elections, or the constitution of the House of Commons, until Parliament is first dissolved or ceases to have con-

tinuance after the first register to be prepared under this Act comes into force; or

(b) any local government register for the time being in force, or any local government elections, until the first register to be prepared under this Act comes into force.

(2) Notwithstanding anything in this Act, the first register to be prepared under this Act shall come into force on, and remain in force until, such date as His Majesty may fix by Order in Council, and His Majesty may by any such Order alter, in connection with the first register, any registration dates, including the dates governing the qualifying period, and direct that this Act shall have effect as so altered.

(3) If any difficulty arises as to the preparation of the first register or the holding of the first elections after the commencement of this Act, the Local Government Board may by order do any matter or thing which appears to them necessary for the proper preparation of the register or the proper holding of the elections.

(4) This section shall apply to any new register to be prepared and to any elections held during the continuance of the present war and a period of twelve months thereafter, as it applies to the first register to be prepared under this Act and to the first elections held after the commencement of this Act, respectively.

47. *Repeal and short title.*—(1) The enactments mentioned in the Eighth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) This Act may be cited as the Representation of the People Act, 1918.

#### FIRST SCHEDULE.

[Sections 13, 14 (1).]

#### REGISTRATION RULES.

##### Form of Register.

1. *Separate part of register for each registration unit.*—The register shall be framed in separate parts for each registration unit in the registration area.

The registration unit shall be the parish where the parish is wholly contained in one voting area, and where a parish is contained in more than one voting area, shall be each part of the parish contained in a separate voting area; and for the purposes of this rule the expression "voting area" means any polling district, electoral division, borough, county district other than a borough, and any ward of a borough, county district, or parish, and any other area for which a separate election at which the register is to be used is held.

2. *Separate divisions for parliamentary and local government electors.*—The register shall, as respects each registration unit, contain the names of those who are entitled to vote as parliamentary electors and of those who are entitled to vote as local government electors, but shall be framed so as to show in separate divisions the names of those who are entitled to vote both as parliamentary and local government electors, the names of those who are entitled to vote as parliamentary electors but not as local government electors, and the names of those who are entitled to vote as local government electors but not as parliamentary electors.

Where a person whose name is entered as a local government elector in any registration unit is not entitled to vote in respect of that entry at the local government elections for all the local government electoral areas which comprise that unit, the registration officer shall place a mark against his name, with a note to signify that the person against whose name the mark is placed is not entitled to vote for the local government elections mentioned in the note, and any such note shall be deemed to be part of the register.

3. *Absent voters list.*—The registration officer shall prepare and add as a supplement to the register a separate list for the whole registration area, or, where the area includes more than one constituency, for each constituency in the area, of persons entitled to vote as absent voters (in this Act referred to as the absent voters list), without, however, removing the names of those voters from any other part of the register. Every such list shall be made up according to polling districts.

4. *Register to be made up in street or alphabetical order.*—Where the registration unit is situated in a parliamentary borough, the names in the register shall be arranged in street order, unless the authority whose clerk the registration officer is or by whom he is appointed considers that, having regard to the general character of the area forming the registration unit, arrangement in street order is inapplicable; and where the registration unit is situated in a parliamentary county, the names in the register shall be arranged in alphabetical order, unless the said authority considers that, having regard to the general character of the area forming the registration unit, arrangement in street order is possible and convenient.

5. *Effect of register.*—The registers for the registration units making up any constituency, so far as they relate to parliamentary electors, shall together form the register of parliamentary electors for that constituency, and the registers of the registration units making up any local government electoral area, so far as they relate to local government electors, shall together form the register of local government electors for that area.

*Duty of Registration Officer to prepare and publish Lists.*

6. *Duty of registration officer to prepare electors lists.*—It shall be the duty of the registration officer to cause a house to house or other



sufficient inquiry to be made, and to prepare or cause to be prepared lists (in this Act referred to as electors lists) for each registration unit within his registration area of all persons appearing to be entitled to be registered as parliamentary or local government electors in the spring and autumn register respectively, and to publish those lists in the form in which the register is to be framed, as respects the lists for the spring register on or before the first day of February, and as respects the lists for the autumn register on or before the first day of August.

The registration officer shall at the same time publish a notice specifying the mode in which, and the time within which, claims and objections are to be made under these rules.

7. *Duty of overseers to prepare electors lists and furnish information if required.*—The registration officer, where he does not himself perform the duties of overseers, may require the overseers of any parish which, or any part of which, forms a registration unit within his registration area to make the necessary inquiries and to prepare the electors lists for that unit and publish the lists in the unit on his behalf, and it shall be the duty of the overseers to furnish lists as so required, and also at any time, if required by the registration officer, to furnish that officer with information respecting any persons resident or occupying land or premises in their parish, or the removal of any person from the parish.

Any reasonable expenses incurred by the overseers in performing any duties required of them in pursuance of this rule (including reasonable remuneration where the duties are performed by an assistant overseer or other paid officer) shall be paid by the registration officer as part of his registration expenses. In this rule the expression "overseers" includes any person for the time being executing any of the duties of overseers.

8. *Corrupt and illegal practices list.*—The registration officer shall publish, together with the electors lists, the corrupt and illegal practices list (if any) made by him under section thirty-nine of the Corrupt and Illegal Practices Prevention Act, 1883, or made by or sent to him under section twenty-four of the Municipal Elections (Corrupt and Illegal Practices) Act, 1884.

#### Claims to be Registered.

9. *Claim to be sent to registration officer.*—Any person who claims to be entitled to be registered as a parliamentary or local government elector, and who is not entered, or is entered in an incorrect place or manner or with incorrect particulars on the electors lists, may claim to be registered, or to be registered correctly, by sending to the registration officer a claim in the prescribed form not later than the eighteenth day of February where the claim is for the spring register, and the eighteenth day of August where the claim is for the autumn register.

10. *Form of claim.*—The form of claim for a person making a claim on his own behalf shall contain a declaration of the qualification of the claimant to be registered, including a declaration that the claimant has attained the required age, and is a British subject, and of the character in which the claimant desires to be registered, that is to say, either as a parliamentary elector, or as a local government elector, or as a local government elector who is not entitled to vote for all local government elections, and where the claimant claims in respect of a non-residential qualification a declaration of residence or, in case such person has no settled residence, an address to which communications may be sent. A note shall also be added to the form warning the claimant that any false declaration for the purpose of this provision will involve a penalty.

Where a claim is made on behalf of a claimant by another person, the registration officer shall not enter the name of the claimant on the register, unless the matters required to be stated in the declaration under the foregoing provision are proved to his satisfaction.

11. *Publication of lists of claimants.*—It shall be the duty of the registration officer to publish the lists of claimants, as respects the lists for the spring register not later than the twenty-fourth day of February, and as respects the lists for the autumn register not later than the twenty-fourth day of August.

#### Objections.

12. *Notice of objections.*—Any person whose name appears on the electors lists for a constituency or local government electoral area may object to the registration of any person whose name is included in the electors lists for the constituency or the local government electoral area, as the case may be, by sending notice of objection in the prescribed form to the registration officer not later than the fifteenth day of February in the case of the spring register and the fifteenth day of August in the case of the autumn register, and may object to the registration of any person whose name is included in the list of claimants by sending notice of objection in the prescribed form to the registration officer not later than the seventh day of March in the case of the spring register and the fourth day of September in the case of the autumn register.

13. *Notice to persons affected by objection.*—The registration officer shall, as soon as practicable after receiving any notice of objection, send a copy of the notice to the person in respect of whose registration the notice of objection is given.

14. *Publication of objections to lists.*—It shall be the duty of the registration officer to publish a list of the names of persons to whose registration notice of objection has been given not later than the twenty-first day of February in the case of the spring register and not later than the twenty-first day of August in the case of the autumn register.

15. *Publication of objections to claims.*—It shall be the duty of the

registration officer to publish a list of the names of persons included in the list of claimants to whose registration notice of objection has been given as soon as practicable after the seventh day of March in the case of the spring register and the fourth day of September in the case of the autumn register.

#### Absent Voters List.

16. *Absent voters list.*—Any person entitled to be registered as a parliamentary elector may, not later than the eighteenth day of February where the claim is for the spring register, and the eighteenth day of August where the claim is for the autumn register, claim to be placed on the absent voters list; and the registration officer, if satisfied that there is a probability that the claimant, by reason of the nature of his occupation, service, or employment, may be debarred from voting at a poll at parliamentary elections held during the time the register is in force, shall place the claimant (if registered) on the absent voters list.

17. *Obligation to place naval and military voter on absent voters list without claim.*—It shall be the duty of the registration officer, without any claim being made for the purpose, to place on the absent voters list any naval or military voter, unless—

(a) that person, not later than the eighteenth day of February as respects the spring register, and the eighteenth day of August as respects the autumn register, gives notice to the registration officer that he does not desire to be placed upon that list; or

(b) that person is registered, in pursuance of a claim for the purpose, for the constituency in which he has an actual residence qualification.

18. *Information to registration officers by departments.*—The Admiralty, the Army Council, and the Air Council, either directly or through officers appointed by them, shall in the prescribed manner furnish to the registration officers in the several constituencies such information as to the names and addresses of Naval and Military voters and such other particulars as may be necessary for the purpose of their registration and of their voting as such, and it shall be the duty of the Local Government Board to render any assistance that may be required by the Admiralty, the Army Council, and the Air Council in conveying such information to the registration officers.

Provided that the Admiralty, Army Council, and Air Council shall not be required to supply any particulars which in their declared opinion would interfere with the proper conduct of the war.

19. *Record of addresses to be kept.*—The registration officer shall keep a record of any address which may be furnished to him by any person placed on the absent voters list, or by the Admiralty, Army Council, Air Council or Board of Trade, as the address which is to be for the time being the address of the voter for the purpose of the provisions relating to voting by absent voters and, as soon as practicable, shall cause instructions to be sent to the voter as to the mode of voting under those provisions.

The record of addresses shall be open to inspection under the same conditions that govern the register.

#### Preparation of the Register from the Lists.

20. *Consideration of objections.*—The registration officer shall, as soon as practicable, consider all objections of which notice has been given to him in accordance with these rules, and for that purpose shall give at least five clear days' notice to the objector and to the person in respect of whose registration the notice of objection has been given, of the time and place at which the objection will be considered by him.

21. *Consideration of claims.*—The registration officer shall also consider all claims of which notice is given to him in accordance with these rules, and in respect of which no notice of objection is given, and, if he considers that the claim may be allowed without further inquiry, shall give notice to the claimant that his claim is allowed.

If the registration officer is not satisfied that any such claim can be allowed without inquiry, he shall give at least five clear days' notice to the claimant of the time and place at which the claim will be considered by him.

22. *Supplemental powers on consideration of claims and objections.*—If on the consideration of any claim or objection it appears to the registration officer that the claimant, or person in respect of whose name objection is taken, is not entitled to be entered on the register in the character in which he claims to be registered, or in which he is entered on the list, but is entitled to be entered on the register in another character or in another place on the register, the registration officer may decide that the name of that person shall be so entered on the register.

23. *Correction of lists.*—The registration officer shall make such additions and corrections in the electors lists (including the absent voters list) as are required in order to carry out his decisions on any objections or claims, and shall also make any such corrections in those lists by way of the removal of duplicate entries (subject to any expression of choice by the person affected as to those entries), the expunging of the names of persons who are dead or subject to any legal incapacity, or the placing of marks or the correction of marks placed against the name of an elector, or otherwise as he thinks necessary in order to secure that no person is registered as a parliamentary elector in respect of more than one qualification in the same constituency, or as a local government elector in respect of more than one qualification—

(a) in the same borough for the purpose of borough council elections; or

(b) in the same electoral division or ward for the purpose of county

council, metropolitan borough council, and urban district council elections; or

(c) in the same parish or ward of a parish for the purpose of rural district council, guardians, or parish elections; and otherwise to make those lists complete and accurate as a register.

24. *Voting in different polling districts.*—Any person whose name shall appear in the list of parliamentary voters of any registration unit in any county constituency or district of boroughs, and who resides outside the polling district in which he is entitled to be registered, shall be at liberty to make his claim before the registration officer to vote at any other polling place within the same constituency.

Any such person shall be admitted to vote at such polling place accordingly.

25. *Objections to corrections.*—Where the registration officer makes any correction in the lists (including the absent voters list) otherwise than in pursuance of a claim or objection, or for the purposes of correcting a clerical error, he shall give notice to the person affected by the correction, and give that person an opportunity of objecting to the correction, and, if necessary, of being heard with respect thereto.

26. *Formation of lists into register.*—The registration officer shall make all the necessary corrections of the lists (including the absent voters list) and do everything necessary to form those lists into a register (with a separate letter and a separate series of numbers for each polling district) in time to allow the publication of the lists so corrected as a register as required by these rules.

#### *Duty to publish and deliver Copies of the Register.*

27. *Publication of register.*—It shall be the duty of the registration officer to publish the spring register not later than the fifteenth day of April, and the autumn register not later than the fifteenth day of October in each year, by publishing a notice that a copy of the register is open to inspection at his office, and that copies of the part of the register relating to any registration unit are open to inspection during business hours in the registration unit at the place mentioned in the notice.

It shall be the duty of the registration officer to keep copies of the register for inspection in his office, and also to arrange for copies of the part of the register relating to any registration unit being kept for inspection in that unit either in the principal post office (if the Postmaster General gives authority for the purpose) or at some other convenient place to which the public have access to be arranged by him.

It shall be the duty of the registration officer to transmit a copy of the register, as soon as may be after it is published, to the Local Government Board.

28. *Delivery of copies of the register.*—It shall be the duty of the registration officer, on the application of any person during business hours and on payment of the prescribed fee, to furnish copies to the applicant of the register or of so much of the register as relates to any registration unit.

#### *Appeals from Registration Officer.*

29. *Notice of appeal from registration officer.*—A person desiring to appeal against the decision of a registration officer must give notice of appeal in the prescribed form to the registration officer and to the opposite party, if any, when the decision is given or within five days thereafter, specifying the grounds of appeal.

The registration officer shall forward any such notices to the county court in manner directed by rules of court together, in each case, with a statement of the material facts which, in his opinion, have been established in the case, and of his decision upon the whole case and on any point which may be specified as a ground of appeal, and shall also furnish to the court any further information which the court may require and which he is able to furnish.

30. *Appeals relating to the same point.*—Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the county court of the fact for the purpose of enabling the county court (if the court thinks fit) to consolidate the appeals, or select a case as a test case.

#### *General.*

31. *Publication of documents.*—Where the registration officer by these rules is required to publish any document, and no specific provision is made as to the mode of publication, he shall publish the document by making copies of the document available for inspection by the public in his office, and in the chief post office (if the Postmaster General gives authority for the purpose), or some other convenient place in the area forming the registration unit to which the document relates and, if he thinks fit, in any other manner which is, in his opinion, desirable for the purpose of bringing the contents of the document to the notice of those interested.

Any document required to be published shall be kept published for the prescribed time.

Any failure to publish a document in accordance with these rules shall not invalidate the document, but this provision shall not relieve the registration officer from any penalty for such a failure.

If any person without lawful authority destroys, mutilates, defaces or removes any notice published by the registration officer in connection with his registration duties, or any copies of a document which have been made available for inspection in pursuance of these rules, he shall be liable on summary conviction to a fine not exceeding five pounds.

32. *Duty of registration officer to supply forms.*—The registration officer shall, without fee, on the application of any person, supply forms of claims and notices of objections.

33. *Supply of copies of claims, objections, &c.*—The registration officer shall, on the application of any person, allow that person to inspect, and take extracts from, or on payment of the prescribed fee, supply to that person copies of, the electors lists for any registration unit in his area and any claim or notice of objection made under these rules.

34. *Mode of sending notices, &c.*—Any claim or notice of objection which is under these rules to be sent to the registration officer may be sent to him by post addressed to him at his office.

Any notice which is required to be sent by the registration officer under these rules to any person shall be sufficiently sent if sent by post to the address of that person as given by him for the purpose, or as appearing on the lists, or if there is no such address, to his last known place of abode.

35. *Information from householders.*—The registration officer may require any householder or any person owning or occupying any land or premises within his area, or the agent or factor of such person, to give, in the prescribed form, any information in his possession which the registration officer may require for the purpose of his duties as registration officer; and if any person fails to give the required information, or gives false information, he shall be liable, on summary conviction, to a fine not exceeding twenty pounds. Any notice requiring information under this rule may be sent by post.

36. *Access to national register.*—The registration officer shall, subject to such directions as the Local Government Board may give, have access to the national register compiled under the National Registration Act, 1915.

37. *Declaration as to age and nationality.*—The registration officer, before registering any person as an elector, may, if he thinks it necessary—

(a) require that person either to produce a certificate of birth or, if that is not practicable or convenient, to make a statutory declaration that such person has attained the required age, and

(b) require that person to produce a certificate of naturalisation or to make a statutory declaration that he is a British subject.

Where a declaration is so required, any fee payable in connection therewith shall be paid by the registration officer as part of his registration expenses, and the declaration shall be exempt from stamp duty.

The registration officer shall during business hours allow any person to inspect and take a copy of any such declaration.

38. *Power to obtain a certificate of birth at reduced fee.*—Where for the purpose of the provisions of this Act any person requires a certificate of birth, that person shall on presenting a written requisition in the prescribed form and containing the prescribed particulars, and on payment of a fee of sixpence, be entitled to obtain a certified copy of any entry of the birth of that person in the birth register under the hand of the registrar or the superintendent registrar having the custody thereof, and forms of requisition for the purpose shall on application be supplied without charge by every registrar of births and deaths and by every superintendent registrar.

39. *Hearing of claims and objections.*—On the consideration of any claim or objection or other matter by the registration officer, any person appearing to the registration officer to be interested may appear and be heard either in person or by any other person, other than counsel, on his behalf.

40. *Power to require evidence on oath.*—The registration officer may at the request of any person interested, or if he thinks fit without such request, on the consideration of any claim or objection or other matter require that the evidence tendered by any person should be given on oath and may administer an oath for the purpose.

41. *Provisions as to misnomer or inaccurate description.*—No misnomer or inaccurate description on any list or on the register or in any notice shall prejudice the operation of this Act or these rules as respects that person or place, provided that the person or place is so designated as to be commonly understood.

42. *Reckoning of time.*—In reckoning time for the purpose of these rules, Sunday, Christmas Day, Good Friday, and any bank holiday or day set apart as a public holiday, or day of public fast, or public thanksgiving shall be excluded; and where anything is required by these rules to be done on any day falls to be done on any such day, that thing may be done on the next day not being one of any such days.

#### *Application of Rules to Scotland and Ireland.*

43. *Application to Scotland.*—These rules shall apply to Scotland subject to the following modifications, namely:—

The Secretary for Scotland shall be substituted for the Local Government Board:

The provision for the transmission of a copy of the register to the Local Government Board shall not apply:

Rule 2 shall apply as if after the words "in separate divisions" there were inserted the words "or otherwise to distinguish":

For the reference to section twenty-four of the Municipal Elections (Corrupt and Illegal Practices) Act, 1894, there shall be substituted a reference to section twenty-nine of the Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890.

44. *Application to Ireland.*—These rules shall apply to Ireland subject to the following modifications, namely:—

(1) References to the Local Government Board shall be construed as references to the Local Government Board for Ireland.

(2) The district electoral division as constituted under the Local Government (Ireland) Act, 1898, shall be the registration unit; but—



(a) where a district electoral division is divided into wards, each such ward shall be treated as a separate registration unit; and

(b) where a district electoral division is situated partly in one parliamentary polling district, partly in another, or partly within and partly without any town (within the meaning of the Local Government (Ireland) Act, 1898), or ward of a borough or town, each part shall be treated as a separate registration unit; and references to parishes or parts of parishes shall not apply.

(3) References to the autumn register shall be construed as references to the yearly register, and references to the spring register shall not apply.

(4) The expression "overseers" includes town clerks, secretaries of county councils, clerks of urban district councils, existing clerks of the union within the meaning of the Local Government (Ireland) Act, 1898, and collectors of poor rate.

(5) The power of the registration officer in certain cases to require the overseers to perform duties in connection with registration under this Act shall be construed in all cases as an obligation upon him to require each person holding the office of overseer to perform duties analogous to the duties which, but for the passing of this Act, would have been performed by that person by virtue of his office under the enactments relative to registration in force at the commencement of this Act, and it shall be the duty of every such person to comply with those requirements.

In order to give full effect to the foregoing provision the clerk of the crown and peace for a county borough shall, as respects any parliamentary borough for which he is registration officer, appoint the town clerk of the county borough to act as his deputy for the purposes of Rules 9 to 15 and for the purpose of publishing the lists and notices to be published under Rules 6 and 8 of this Schedule if the town clerk so desires, and any town clerk so appointed shall, for the purposes aforesaid, have the like powers and duties and be subject to the like liabilities as if he were registration officer.

Any question which may arise as to what duties are analogous duties within the meaning of the provision aforesaid shall be determined by the Local Government Board, whose determination shall be final.

(6) The overseers shall be entitled to payment for services performed and expenses incurred by them in the execution of any duties under these rules. The payments shall be made at such times as may be fixed by order of the Local Government Board for Ireland under this Schedule, and any sum payable to an overseer under this provision shall be treated for the purposes of this Act as part of the registration expenses of the registration officer on whose requisition the services were performed or the expenses were incurred.

This provision shall apply to any superintendent registrar of births and deaths or clerk of the union who is not an existing clerk of the union, so far as respects lists or information supplied by him on the requisition of the registration officer in connection with deaths in like manner as it applies to overseers.

(7) The reference to the authority whose officer the registration officer is, or by whom he is appointed, shall be construed as a reference to the county borough council in the case of registration units in a county borough, and as a reference to the county council in the case of registration units in an administrative county, and the register for any registration unit in an administrative county shall be arranged alphabetically in townland order if the county council consider that such arrangement is more convenient than arrangement in alphabetical order of names or in street order.

(8) Rule 2 of this Schedule shall be construed as if the words "or otherwise to distinguish" were inserted after the words "in separate divisions," and as if the direction as to placing marks against the names of local government electors were omitted.

(9) For the direction to the registration officer in Rule 23 of this schedule to secure that no person is registered as a local government elector in respect of more than one qualification in the areas and for the purposes therein specified, there shall be substituted a direction to secure that no person is registered as a local government elector in respect of more than one qualification in the same district electoral division or ward.

## SECOND SCHEDULE.

[Section 21 (1).]

### PART I.

#### MODIFICATIONS OF THE BALLOT ACT, 1872 (FIRST SCHEDULE).

The following provisions shall be inserted in the First Schedule to the Ballot Act, 1872, after Rules 2 and 14 respectively, that is to say:—

"2A. In an election of members to serve in a new Parliament of the United Kingdom the day fixed by the returning officer for the election shall in all cases be the eighth day after the date of His Majesty's gracious Proclamation declaring the calling of the Parliament."

"14A. In an election of members to serve in a new Parliament of the United Kingdom, the day appointed by the returning officer for the poll shall in all cases be the ninth day after the day fixed for the election."

[Section 22 (2).]

### PART II.

#### Questions.

1. In the case of a man voting in respect of a residence qualification—  
Have you already voted at this general election in respect of a residence qualification?

2. In the case of a man voting in respect of a qualification other than a residence qualification—  
Have you already voted at this general election in respect of a qualification other than a residence qualification?

3. In the case of a woman voting at an election other than a university election—  
Have you already voted at this general election?

[NOTE.—Unless the answer to the question is in the negative the woman shall not vote unless she satisfies the presiding officer that her previous vote was given at a university election.]

*Declarations at University Election.*  
(Applicable only at a General Election.)

(In the case of a man)—"I have not voted at this general election in respect of any qualification other than a residence qualification."

(In the case of a woman)—"I have not voted at this general election for any other university constituency."

## THIRD SCHEDULE.

[Section 23 (4) (d).]

### PROVISIONS AS TO VOTING BY PROXY.

1. A proxy must be appointed by means of a proxy paper issued to the elector, or some person on behalf of the elector, or to the person appointed as proxy, by the registration officer of the constituency in which the elector is registered, on an application made or authorised by the elector in accordance with regulations under this Act.

2. After a proxy paper for any constituency has been issued in accordance with this Act, the elector shall, unless the proxy paper is cancelled in accordance with this Act,—

(a) be entitled to vote by proxy in that constituency; and

(b) be prohibited from voting otherwise than by proxy in that constituency;

until the time for which the proxy paper is in force has expired.

3. It shall be the duty of the registration officer, on any application for a proxy paper, to issue a proxy paper to the applicant, or to some person on his behalf, or to the person appointed as proxy, if he is satisfied that the applicant is registered on the parliamentary register of electors for the constituency in respect of which the application is made, and is, at the time of the application, entitled to appoint a proxy.

4. A proxy paper shall remain in force only so long as the parliamentary register of electors which is in force at the time the proxy paper is issued remains in force:

Provided that a proxy paper issued during the continuance of the present war, or a period of twelve months thereafter, shall remain in force until the termination of that period, so long as the elector continues to be registered and the proxy paper is not cancelled.

5. A person shall not be appointed as proxy under this Act, unless the person appointed is the wife, husband, parent, brother, or sister of the elector, or is registered as a parliamentary elector for the constituency or one of the constituencies in which the elector is registered:

Provided that the brother or sister shall not be capable of being appointed proxy unless of full age.

6. An elector shall not appoint more than one person as proxy to vote on his behalf in the same constituency, and in any case not more than two persons.

7. A person shall not vote as proxy on behalf of more than two absent voters at an election in any constituency, unless that person is voting as the husband or wife, or the parent, brother, or sister of the absent voter.

8. A registration officer shall keep a list of absent voters entitled to vote by proxy in any constituency within his area, and of the persons entitled to vote as proxies, and that list shall be open to inspection during business hours at some convenient place named by the registration officer in the constituency.

A registration officer shall, on the application of any person, allow that person to take extracts from, or, on payment of the prescribed fee, supply to that person copies of the list.

9. The Ballot Act, 1872, and any other Act regulating the holding of parliamentary elections, including any provisions imposing penalties in connection with voting at those elections, shall apply to persons voting as proxies in pursuance of this Act as they apply to voters; however described in those Acts, with such modifications as may be prescribed for the purpose of adapting the provisions of those Acts to voting by proxy; and any provisions of those Acts imposing penalties for offences in connection with ballot papers or the official mark on a ballot paper may be applied by the regulations to proxy papers and any official mark on a proxy paper.

10. If any person—

(a) who is for the time being entitled to vote by proxy in a constituency under this Act, himself votes or attempts to vote at any parliamentary election in that constituency otherwise than by means of the proxy paper, while the proxy paper is in force; or

(b) votes or attempts to vote as proxy on behalf of more than two absent voters at an election in any constituency unless

that person is voting as the husband or wife, or the parent, brother, or sister of the absent voter; or

(c) votes or attempts to vote at any election under the authority of a proxy paper when he knows or has reasonable grounds for supposing that the proxy paper has been cancelled, or that the elector to whom or on whose behalf the proxy paper has been issued is dead or no longer entitled to vote at that election;

that person shall be guilty of an illegal practice within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883, and the expression "illegal practice" shall be construed accordingly: Provided that the court before whom a person is convicted under this provision may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by section ten of the Corrupt and Illegal Practices Prevention Act, 1883.

11. A ballot paper shall not be delivered to a person who claims to vote as proxy for the purpose of so voting unless he produces the proxy paper to the presiding officer at the polling station, and such questions may be asked of any person at a parliamentary election who claims to vote as proxy for any elector (in addition to those already authorised to be asked) as may be prescribed.

12. Stamp duty shall not be chargeable on any proxy paper under this Act.

13. A proxy paper may be cancelled by an elector by giving notice to the registration officer in the prescribed form.

14. A notice cancelling a proxy paper shall not take effect as respects any election unless it is received by the registration officer before the day of nomination.

15. In the application of this schedule to Scotland the expression "the registration officer of the constituency in which the elector is registered" means "the registration officer of the registration area in which the elector is registered."

#### FOURTH SCHEDULE.

[Section 33 (1).]

PROVISIONS TO BE SUBSTITUTED FOR PART IV. OF THE FIRST SCHEDULE TO 46 & 47 VICT. C. 51, AND FOR PARAGRAPH (3) OF PART V. OF THE SAME SCHEDULE.

##### Maximum Scale.

The expenses mentioned above in Parts I., II., and III. of this schedule, other than personal expenses and the fee, if any, paid to the election agent (not exceeding in the case of a county election seventy-five pounds and of a borough election fifty pounds, without reckoning for the purposes of that limit any part of the fee which may have been included in the expenses first above mentioned) shall not exceed an amount equal—

in the case of a county election to sevenpence for each elector on the register;

in the case of an election for a borough to fivepence for each elector on the register.

Where there are two or more joint candidates at an election, the maximum amount of expenses mentioned in Parts III. and IV. of this schedule shall, for each of the joint candidates, be the amount produced by multiplying a single candidate's maximum by one-and-a-half and dividing the result by the number of joint candidates.

#### FIFTH SCHEDULE.

[Section 36 (1).]

PART I.—PROVISIONS AS TO UNIVERSITY ELECTIONS OTHER THAN SCOTTISH UNIVERSITY ELECTIONS.

##### Returning Officer.

1. The returning officer shall be—

(a) in the case of the Oxford, Cambridge, and London University constituencies respectively the Vice-Chancellor of the university;

(b) in the case of the Dublin University Constituency, the Provost of Trinity College;

(c) in the case of the combined English university constituency, the Vice-Chancellor, Principal, or Corresponding Officer of such university, being one of the combined universities, as may be from time to time appointed by the Board of Education for that purpose; and

(d) in the case of the constituency of the University of Wales, the Vice-Chancellor of the university;

and the writ for any election of a member or members for Parliament for a university constituency shall be directed to the returning officer of that constituency.

2. It shall be the duty of the returning officer to make all arrangements for the election, including arrangements for the nomination of candidates, and the poll and counting of votes, and to certify the result of the election in pursuance of the writ.

##### Nomination.

3. The nomination shall take place on such day and at such time and place as may be fixed by the returning officer, being not less than four days and not more than twelve days after the receipt of the writ, and the returning officer shall give public notice of the day, time, and place so fixed within two days after he receives the writ.

4. The candidate must be nominated in writing by two electors as proposer and seconder and by eight other electors as assenting to the nomination, and his nomination must be delivered to the returning officer by some elector.

5. If, at the expiration of the time fixed for nomination, no more candidates are nominated than there are vacancies to be filled up, the returning officer shall declare the candidates who stand nominated to be elected and certify the result of the election accordingly.

6. If, at the expiration of the time fixed for nomination, more candidates stand nominated than there are vacancies to be filled up, the returning officer shall arrange for a poll to be taken.

7. A candidate may be withdrawn in manner provided by regulations made under this Act, and if, owing to the withdrawal of a candidate after nomination, a poll becomes unnecessary, the returning officer shall countermand the poll and declare any candidate elected whose nomination remains standing.

8. If one of the candidates nominated dies after he has been nominated and before the commencement of the poll, the returning officer shall countermand the poll and other proceedings for the election and commence the same again as if the writ had been received by him on the day on which he is satisfied of the fact that the death took place.

No fresh nomination shall be required in the case of a candidate who stood nominated at the time the poll was countermanded.

##### Poll.

9. The poll shall remain open for five days, and shall take place on such days as may be fixed by the returning officer commencing not more than twelve and not less than three clear days after the day of nomination.

10. The returning officer shall appoint such polling places as appear to him to allow reasonable facilities for voting, and may give special directions that certain electors shall be allotted to certain polling places.

11. An elector may vote at a poll by the delivery of a voting paper (signed by the voter at any time subsequent to the nomination) in the form appended to this part of this schedule or in a form to the same effect and accompanied with a like declaration, or, unless the returning officer directs to the contrary, in person, and may so vote at any polling place if he has not been allotted to any polling place, or, if he has been so allotted, at any polling place to which he has been so allotted.

The returning officer may give a special direction that votes shall not be given in person at the election, or that votes may be given in person on certain days of the poll only.

12. A voting paper may be delivered at a polling place on behalf of the voter by an elector, or by being sent to the presiding officer at the polling place by post, and any voting paper received by a presiding officer at a polling place at which the elector may vote before the close of the poll shall be counted, unless rejected as invalid.

Voting papers may also be sent to the returning officer by post, and any voting papers so received by the returning officer shall be sent by him to the proper presiding officer.

13. The poll shall be open for such time between the hours of 8 a.m. in the morning and 8 p.m. in the evening, not being less than four hours, as the returning officer may direct, except that, if votes in person are received, but are not received on all the days of the poll, six hours shall be substituted for four as respects the days on which votes are so received as the minimum time under this provision.

14. The returning officer shall give public notice of the days and hours of poll and of the polling places appointed, and of any special directions given by him as to the days or hours of poll, or the allotment of electors to certain polling places, or as to voting in person.

15. The returning officer shall appoint a presiding officer for every polling place at which he does not act as a presiding officer himself and the presiding officer shall have general control over the arrangements for voting at the polling place and shall record the votes of electors voting in person and receive voting papers.

16. Each candidate may appoint a person to be the candidate's representative at each polling place, and a candidate's representative may object to any voting paper received at the polling place or to the vote of any person claiming to vote in person at that place, and the presiding officer shall submit any such objection to the returning officer for decision.

17. The returning officer shall decide on the validity of any voting paper to which objection is taken, or on the right of any person to vote in person, if that right is questioned, and the decision of the returning officer, if the voting paper or the right to vote is allowed, shall be final, but, if the voting paper or the right to vote is disallowed, shall be subject to reversal on any proceeding questioning the election or return.

18. The register kept in pursuance of this Act shall be conclusive as to the right of any person to vote at the poll; but this provision shall not entitle any person to vote if that person is subject to any legal incapacity.

A person shall not be entitled to be placed on the register as a graduate until the university authorities are satisfied that the grant of the degree is complete.

##### Counting of Votes.

19. After the poll is closed all voting papers received at any polling place and a record of votes (if any) given by electors in person shall be placed in a proper receptacle and sealed up and delivered to the returning officer, and the returning officer shall, as soon as practicable after the receipt of the votes from all the polling places, count the votes and publish the result.



20. The voting papers counted, and the record of votes (if any) given by electors in person, and any papers which have been rejected as invalid and a list of persons (if any) who have tendered their votes in person but who have not been allowed to vote, shall be placed in separate packets, and shall be kept by the returning officer for a period of twelve months after the close of the poll.

21. The returning officer shall give notice to the candidates of the time and place for counting the votes, and shall permit any candidate and a representative authorised by the candidate for the purpose to be present at the count.

No person other than the returning officer, his assistants and clerks, and the candidates and representatives so authorised shall be entitled to be present at the count except with the sanction of the returning officer.

22. Where an equality of votes is found to exist between any candidates on a final count and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer whether an elector or not may give a deciding vote, but the returning officer shall not be entitled to vote at the election in any other case.

*Special Provisions for a Combined University Constituency.*

23. In a combined university constituency the Vice-Chancellor, or the person performing the duties of a Vice-Chancellor, at each university forming the combination, shall, for the purpose of making arrangements for the poll and the holding of the poll, have at the university the powers and perform the duties of the returning officer (including the power and duty of deciding upon the validity of voting papers and the right of a person to vote).

24. Arrangements may be made for counting votes at an election for a combined university constituency at each of the universities forming the combination, if the transferable vote is not used at that election, and for a record of the votes counted at each university being sent to the returning officer for the combined constituency in order that he may ascertain and declare the result of the election.

*General.*

25. The returning officer shall appoint such deputies and clerks as he may think necessary for the proper holding of the election, and shall supply a form of voting paper to any elector applying for such a form, and shall supply forms of nomination papers.

The governing body of the University may designate an officer of the University to act temporarily as returning officer in the event of a vacancy in the office of returning officer or in the event of his incapacity to appoint a deputy.

26. Any expenses reasonably incurred by the returning officer in connection with the arrangements for a university election and the conduct thereof shall be repaid to the returning officer by the University.

In the case of a combined University constituency any such expenses incurred by the Vice-Chancellor or corresponding officer of each University shall be paid by the University whose Vice-Chancellor or officer has incurred the expenses, and any other such expenses shall be paid in equal shares by the Universities forming the combination.

In the case of a combined University constituency any candidate's deposit which is forfeited to the University shall be retained by, or paid to, the University whose Vice-Chancellor or other officer is the returning officer of the combined constituency and applied by that University in the payment of the expenses which are under this provision to be paid in equal shares by the Universities forming the combination.

27. A voting paper shall be deemed to be a public document within the meaning of sub-section (3) of section four of the Forgery Act, 1913, and section five of the Perjury Act, 1911, applies to any declaration or statement made in the voting paper.

28. A voting paper shall not be liable to stamp duty.

29. If any person, for the purpose of enabling an elector to vote at a university election, corruptly pays on his behalf any fees which the elector is required to pay in order to be registered or entitled to vote, he shall be guilty of an illegal practice within the meaning of the Corrupt and Illegal Practices Prevention Act, 1833, and that Act shall apply accordingly.

30. In reckoning time for the purpose of the provisions in this Schedule, Sunday, Christmas-Day, Good Friday, and any day set apart as a bank or public holiday or day of public fast or public thanksgiving shall be excluded; and where anything is required by these provisions to be done on any day falls to be done on any such day that thing may be done on the next day not being one of any such days.

31. If regulations are made under this Act as to the manner in which public notice is to be given under the provisions of this Schedule, public notice shall be given in manner directed under any such regulations for the time being in force, and if no such regulations are in force shall be given in such manner as the Returning Officer considers best fitted for giving notice to the persons concerned.

32. An election shall not be declared invalid by reason of non-compliance with these provisions if it appears to the tribunal cognisant of the case that the election was conducted in accordance with the principle of these provisions and that the non-compliance with these provisions did not affect the result of the election.

*Form of Voting Paper.*

I, A.B. (here give the elector's name in full, with his university degree and college, if any), give my vote as indicated below:—

* Candidates.	Order of Preference.
A	
B	
C	
D	

I declare that I have signed no other voting paper and have not voted in person at this election for the university constituency of

† I also declare—

(In the case of a man) that I have not voted at this general election in respect of any qualification other than a residence qualification;

(In the case of a woman) that I have not voted at this general election for any other university constituency.

(Signed) A.B.

The Address day of 19

\* This form will require modification where the transferable vote is not used at the election.

† This declaration is to be made only at a general election.

I declare that this voting paper (the voting paper having been previously filled in), was signed in my presence by A.B., who is personally known to me, on the day of 19

(Signed) C.D.

Address

**PART II.**

• [PROVISIONS AS TO SCOTTISH UNIVERSITY ELECTIONS.]

**SIXTH SCHEDULE.**

[Section 42.]

**ADAPTATION OF ACTS.**

1. A reference to parliamentary electors registered under this Act shall be substituted for any reference in any other Act to parliamentary electors, parliamentary voters, or persons entitled to vote at parliamentary elections, by whatever name called.

2. A reference to local government electors registered under this Act shall, so far as local government elections and the right to vote at any such elections are concerned, be substituted for any reference in any other Act to local government electors, county electors, burgesses, parochial electors, or other persons entitled to vote at a local government election, by whatever name called, and local government electors so registered shall for all purposes, whether statutory or not, be in the same position as any such local government electors, county electors, burgesses, parochial electors, or persons.

3. A reference to the register kept in pursuance of this Act shall, so far as it relates to parliamentary electors, be substituted for any reference in any Act to the parliamentary register of electors or to the parliamentary register or to the register of parliamentary electors or to the register of persons entitled to vote at a parliamentary election, by whatever name called, and, so far as it relates to the local government register, shall be substituted for the local government register of electors, the burgess roll, the county register, the register of parochial electors, and for the register of persons entitled to vote at a local government election, by whatever name called.

4. The registration officer shall be substituted for the overseers in sections eleven and twelve of the Parliamentary and Municipal Registration Act, 1878, and in any other enactment dealing with the duties of the overseers in connection with the registration of electors; and in sections thirty-nine, sixty-eight and sixty-nine of the Corrupt and Illegal Practices Prevention Act, 1833, "registration officer" means the registration officer under this Act.

5. Sub-section (4) of section forty of the Local Government Act, 1888, shall have effect as if the words "for the time being" were substituted for the word "at the passing of this Act"; and, in order to meet any difficulty (consequent on the change of boundaries under this provision) in filling casual vacancies by election in the London County Council, any such casual vacancy shall, until the first election of the whole

number of councillors which takes place after the passing of this Act, be filled by means of the choice by the Council of a person to fill the vacancy, and the councillor so chosen shall hold office in such manner and in all respects as if he had been elected to fill the vacancy.

6. Sections eleven and thirteen and (so far as necessary) section twelve of the Parliamentary and Municipal Registration Act, 1878 shall be adapted so as to be applicable to parishes situated in any constituency or in any local government area, and for that purpose "constituency" shall be substituted in those sections for "parliamentary borough," "local government area" for "municipal borough," and "registered as a local government elector" for "enrolled as a Burgess."

7. The Local Government Board may, by order, make such further adaptations in the provisions of any Act (including any local Act and any Act to confirm a Provisional Order and any scheme under the Municipal Corporations Act, 1882, as amended by any subsequent Act) as may seem to them necessary to make those provisions conform with the provisions of this Act; and any order so made shall operate as if enacted in this Act.

As respects Scotland the Secretary for Scotland, and as respects Ireland the Local Government Board for Ireland, shall be substituted for the Local Government Board in this schedule.

*Special Adaptation of Acts for Scotland.*

8. The Representation of the People (Scotland) Act, 1832 (2 & 3 Will. 4. c. 65):—

Section thirty-eight shall apply as if this Act were mentioned therein as well as the Act therein mentioned.

The Representation of the People (Scotland) Act, 1868 (31 & 32 Vict. c. 48):—

Section twenty-three shall apply as if appeals from the sheriff court under this Act were mentioned therein instead of the appeals therein mentioned.

The Ballot Act, 1872 (35 & 36 Vict. c. 33):—

In Rule 60 of Part I. of the First Schedule, a reference to Division (4) of Part I. of the Ninth Schedule to this Act shall be substituted for the reference to the Schedules in that Rule mentioned.

The Corrupt and Illegal Practices Prevention Act, 1883 (46 & 47 Vict. c. 51):—

In section sixty-eight in the definition of "revising barrister," for the word "sheriff" shall be substituted the words "registration officer."

The Registration Amendment (Scotland) Act, 1885 (48 & 49 Vict. c. 16):—

In section six, for the words "dwelling-house within the meaning of the Representation of the People Act, 1884," there shall be substituted the words, "house or part of a house occupied as a separate dwelling: Provided that no such entry shall render liable to be rated in respect of any such house or part of a house any person who occupies the same by virtue of any office, service, or employment."

The Local Government (Scotland) Act, 1889 (52 & 53 Vict. c. 50):—

In section six, the words "in the Representation of the People Act, 1918," shall be substituted for the word "hereinafter."

The Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890 (53 & 54 Vict. c. 55):—

In section twenty-nine the words "registration officer" shall be substituted for "revising authority," and at the end of sub-section (1) of the said section the following words shall be added, "and shall make out a list (which may be referred to as the corrupt and illegal practices list) containing the name and description of every person whose name has been so omitted, and shall state in that list the offence of which each such person has been convicted or found guilty."

The Town Councils (Scotland) Act, 1900 (63 & 64 Vict. c. 49):—

In sub-section (1) of section twenty-three the words "registered as local government electors for the burgh in accordance with the provisions of the Representation of the People Act 1918" shall be substituted for the words "entitled in respect of premises within the municipal boundary to vote in the election of a member of Parliament."

*Special Adaptation of Acts for Ireland.*

9. The Juries Act (Ireland), 1871 (34 & 35 Vict. c. 65):—

In sections twelve and fourteen, a reference to the county court shall be substituted for a reference to the court at which the register of parliamentary voters is revised.

The Parliamentary Registration (Ireland) Act, 1885 (48 & 49 Vict. c. 17):—

In section sixteen the registration officer shall be substituted for the clerk of the union: "fifteenth of July" shall be substituted for "first of July" and the word "male" shall be omitted.

SEVENTH SCHEDULE.

[Section 43 (13).]

RETURNING OFFICERS FOR SCOTTISH CONSTITUENCIES SITUATED IN MORE THAN ONE SHERIFFDOM.

Name of Parliamentary Borough or County.	Name of Division.	Returning Officer.
Montrose District of Burghs.	—	Sheriff of Forfar.
Ayr and Bute - - -	Bute and Northern	Sheriff of Ayr.
Berwick and Haddington	—	Sheriff of the Lothians and Peebles.
Caithness and Sutherland	—	Sheriff of Caithness, Orkney, and Zetland.
Inverness and Ross and Cromarty.	Western Isles -	Sheriff of Ross, Cromarty and Sutherland.
Perth and Kinross - -	Kinross and Western.	Sheriff of Perth.
Renfrew - - - -	Eastern - -	Sheriff of Renfrew and Bute.

EIGHTH SCHEDULE.

[Section 47.]

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
8 Hen. 6. c. 7.	Electors of knights of the shires shall have 40s. a year freehold and be resident.	The whole Act so far as unrepealed.
10 Hen. 6. c. 2.	The Statute 8 Hen. 6. c. 7 as to freehold qualification of electors of knights of the shires; such freeholds shall be within the county.	The whole Act so far as unrepealed.
7 & 8 Will. 3. c. 25.	An Act for the further regulating elections of members to serve in Parliament, and for the preventing irregular proceedings of sheriffs and other officers in the electing and returning such members.	Section six.
10 Anne, c. 31.	The Elections (Fraudulent-Conveyances) Act, 1711.	The whole Act so far as unrepealed.
13 Geo. 2. c. 29.	The Parliamentary Election (Fraudulent Conveyance) Act, 1730.	The whole Act so far as unrepealed.
18 Geo. 2. c. 18.	The Parliamentary Elections Act, 1744.	The whole Act so far as unrepealed.
19 Geo. 2. c. 28.	The Parliamentary Elections Act, 1745.	The whole Act so far as unrepealed.
3 Geo. 3. c. 15.	The Freemen (Admission) Act, 1763.	The whole Act so far as unrepealed.
20 Geo. 3. c. 17.	The Parliamentary Elections Act, 1780.	The whole Act so far as unrepealed.
25 Geo. 3. c. 84.	The Parliamentary Elections Acts, 1785.	The whole Act so far as unrepealed.
33 Geo. 3. c. 64.	The Parliamentary Elections Act, 1793.	The whole Act.
53 Geo. 3. c. 49.	The Parliamentary Elections Act, 1813.	The whole Act so far as unrepealed.
4 Geo. 4. c. 36.	The Joint Tenancy (Ireland) Act, 1823.	The whole Act so far as unrepealed.



Session and Chapter.	Title or Short Title.	Extent of Repeal.	Session and Chapter.	Title or Short Title.	Extent of Repeal.
4 Geo. 4. c. 55.	The Parliamentary Elections (Ireland) Act, 1823.	Sections twenty-four, twenty-six, twenty-seven and twenty-eight.	16 & 17 Vict. c. 58.	The Dublin Parliamentary Revising Act, 1853.	The whole Act so far as unrepealed.
2 & 3 Will. 4. c. 45.	The Representation of the People Act, 1832.	The whole Act (except sections sixty-six, seventy, and seventy-six, and the definition of "returning officer" in section seventy-nine); the words "barrister, overseer," in section seventy-six wherever they occur.	16 & 17 Vict. c. 68.	The Parliamentary Elections Act, 1853.	In section one the words "for the Universities of Oxford and Cambridge" and "the words "to the Vice-Chancellors of the said Universities and" and the words "Vice-Chancellors and"; sections four and five. Section thirty-four.
2 & 3 Will. 4. c. 65.	The Representation of the People (Scotland) Act, 1832.	Sections two to four, six to thirteen; section twenty-seven; section twenty-eight; section thirty-five; section thirty-six, so far as relating to town clerks or deputy town clerks being entitled to vote; section thirty-seven; section forty; section forty-two, and the schedules so far as unrepealed.	17 & 18 Vict. c. 91.	The Lands Valuation (Scotland) Act, 1854.	
			19 & 20 Vict. c. 58.	The Burgh Voters Registration (Scotland) Act, 1856.	The whole Act so far as unrepealed.
			20 & 21 Vict. c. 68.	The Dublin Revising Barristers Act, 1857.	The whole Act so far as unrepealed except sections two and five.
			24 & 25 Vict. c. 53.	The University Elections Act, 1861.	The whole Act so far as unrepealed.
2 & 3 Will. 4. c. 88.	The Representation of the People (Ireland) Act, 1832.	The whole Act so far as unrepealed except sections eleven and twelve.	24 & 25 Vict. c. 60.	The Representation of the People (Ireland) Act, 1861.	The whole Act.
5 & 6 Will. 4. c. 36.	The Parliamentary Elections Act, 1835.	Section seven.	24 & 25 Vict. c. 83.	The County Voters Registration (Scotland) Act, 1861.	The whole Act so far as unrepealed.
5 & 6 Will. 4. c. 78.	The Representation of the People (Scotland) Act, 1835.	Sections three, four, nine, ten and eleven.	27 & 28 Vict. c. 22.	The Registration of County Voters (Ireland) Act, 1864.	The whole Act so far as unrepealed.
3 & 4 Vict. c. 108.	The Municipal Corporations (Ireland) Act, 1840.	Sections six and eight to ten.	28 & 29 Vict. c. 36.	The County Voters Registration Act, 1865.	The whole Act so far as unrepealed.
5 & 6 Vict. c. 74.	The University of Dublin Registration Act, 1842.	The whole Act so far as unrepealed.	29 & 30 Vict. c. 54.	The Revising Barristers Act, 1868.	The whole Act so far as unrepealed.
6 & 7 Vict. c. 18.	The Parliamentary Voters Registration Act, 1843.	The whole Act (except sections eighty-one, eighty-two, eighty-five to ninety, ninety-three, and ninety-seven, and the definition of "returning officer" in section one hundred and one), the word "overseer" in section ninety-seven.	30 & 31 Vict. c. 102.	The Representation of the People Act, 1867.	The whole Act (except sections one, two, seven, thirty-seven, forty-nine to fifty-two, fifty-seven, fifty-nine and sixty-one, and Schedule II); section fifty-nine from "and in construing" to the end of the section.
11 & 12 Vict. c. 90.	The Parliamentary Elections Act, 1848.	The whole Act.	31 & 32 Vict. c. 48.	The Representation of the People (Scotland) Act, 1868.	Sections three to six, sections eight to fourteen, sections sixteen to twenty, sections twenty-two, twenty-four, twenty-six, thirty-seven to forty-two, forty-five, forty-seven to fifty, fifty-three, fifty-five, fifty-six, and in section fifty-nine the definition of "premises" and Schedules A., B., C., D., and I.
12 & 13 Vict. c. 85.	The Dublin Corporation Act, 1849.	Sections two, three, five, six, seven, and ten to twelve.	31 & 32 Vict. c. 49.	The Representation of the People (Ireland) Act, 1869.	Sections three to seven, fourteen, sixteen, seventeen, and twenty-four.
13 & 14 Vict. c. 57.	The Vestries Act, 1850.	Section seven from "to give the notices for claims" to "for revising them, and" and the words "burgess lists and the."	31 & 32 Vict. c. 53.	The Parliamentary Electors Registration Act, 1868.	The whole Act (except sections one, two, three, and twenty-one).
13 & 14 Vict. c. 68.	The Parliamentary Elections (Ireland) Act, 1850.	Sections six to nine and section nineteen.	31 & 32 Vict. c. 65.	The Universities Elections Act, 1868.	The whole Act.
13 & 14 Vict. c. 69.	The Representation of the People (Ireland) Act, 1850.	The whole Act so far as unrepealed (except sections eighty-eight to ninety-seven and sections one hundred and three, one hundred and eight, and one hundred and eighteen).	31 & 32 Vict. c. 112.	The Registration Amendment (Ireland) Act, 1868.	The whole Act so far as unrepealed.
14 & 15 Vict. c. 14.	The Compound Householders Act, 1851.	The whole Act.	32 & 33 Vict. c. 41.	The Poor Rate Assessment and Collection Act, 1869.	Section seven so far as it relates to franchise and any disqualification which depends on franchise; section ten, and section nineteen so far as it relates to franchise and any disqualification which depends on franchise.
14 & 15 Vict. c. 57.	The Civil Bill Courts (Ireland) Act, 1851.	Section one hundred and sixty-one.			
16 & 17 Vict. c. 28.	The County Elections (Scotland) Act, 1853.	Sections two, three, five, six and seven.			

Session and Chapter.	Title or Short Title.	Extent of Repeal.	Session and Chapter.	Title or Short Title.	Extent of Repeal.
33 & 34 Vict. c. 11.	The Dublin Collector of Rates Act, 1870.	The whole Act.	42 & 43 Vict. c. 71.	The Registry Courts (Ireland Amendment) Act, 1879.	The whole Act so far as unrepealed.
35 & 36 Vict. c. 33.	The Ballot Act, 1872.	Section five; section eight from "all expenses" to "by law payable," and (except as respects Scotland and Ireland) from "where the sheriff" to the end of the section; subsection (5) of section sixteen, subsection (4) of section seventeen, sections eighteen and nineteen, section twenty-five from "or where" to "is proved on such trial to have voted at such election" and from "or so retained" to end of the section; section thirty-three from "and shall continue in force" to the end of the section; rules 3 and 58 in the First Schedule.	43 & 44 Vict. c. 6.	The House Occupiers in Counties Disqualification Removal (Scotland) Act, 1880.	The whole Act.
36 & 37 Vict. c. 2.	The Polling Districts (Ireland) Act, 1873.	The whole Act so far as unrepealed.	44 & 45 Vict. c. 40.	The Universities Elections Amendment (Scotland) Act, 1881.	The whole Act.
36 & 37 Vict. c. 30.	The Registration of Voters (Ireland) Act, 1873.	The whole Act so far as unrepealed.	44 & 45 Vict. c. 68.	The Supreme Court of Judicature Act, 1871.	Section fourteen as far as respects appeals in registration matters.
36 & 37 Vict. c. 70.	The Revising Barristers Act, 1873.	The whole Act so far as unrepealed.	45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	Section nine; in subsection (2) of section eleven the words from "or (b) Being entitled" to "to be made," and the words "In either of those cases"; sections thirty-two and thirty-three; subsection (3) of section forty-two; section forty-four; paragraphs (1) to (7) of section forty-five; sections forty-six to forty-nine in subsection (2) of section fifty-one the words "or vote in more than one ward"; sections sixty-three, seventy-one, and seventy-six, subsections (1) and (3) of section two hundred and nine, section two hundred and forty-four, Part I. of the Third Schedule, in rule four of Part II. of the Third Schedule, the words "or entered in the separate non-resident list required by this Act to be made, Part IV. of the Third Schedule, rule one of Part II. of the Fifth Schedule so far as respects expenses incurred in relation to the enrolment of burgesses, and Forms C to G in Part II. of the Eighth Schedule.
37 & 38 Vict. c. 53.	The Revising Barristers Act, 1874.	The whole Act so far as unrepealed.	46 & 47 Vict. c. 61.	The Corrupt and Illegal Practices Prevention Act, 1883.	Subsection (2) of section thirty-two; paragraph (c) of subsection (1) of section thirty-three; subsection (1) of section thirty-five from "and may charge" to the end of the subsection; subsection (3) of section thirty-nine; section forty-seven; the definitions of "registration officer" in sections sixty-four and sixty-eight; subsection (12) of section sixty-eight; subsection (4) of section sixty-nine from "in the manner" to the end of the subsection; subsection (9) of section sixty-nine; paragraph (7) of Part I. of the First Schedule; paragraph (1) of Part II. of the First Schedule; in the "Form of Return of Election Expenses" in Part I. of the Second Schedule the first paragraph under the heading "Expenditure."
38 & 39 Vict. c. 77.	The Supreme Court of Judicature Act, 1875.	In section twenty-three, the words "or the distribution of revising barristers among the circuits," and from "and the senior judge" to "boroughs therein."	47 & 48 Vict. c. 35.	The County of Dublin Jurors' and Voters' Revision Act, 1884.	Section two, so far as respects the appointment of revising barristers and the registration of voters.
38 & 39 Vict. c. 84.	The Parliamentary Elections (Returning Officers) Act, 1875.	Sections two to five, and section seven, and the Schedules, except so far as those sections and Schedules apply to elections other than Parliamentary elections.	47 & 48 Vict. c. 70.	The Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	Subsection (3) of section thirteen.
39 & 40 Vict. c. 61.	The Divided Parishes and Poor Law Amendment Act, 1876.	Section fourteen.			
40 & 41 Vict. c. 57.	The Supreme Court of Judicature Act (Ireland), 1877.	Subsection (2) of section twenty-three from "including" to the end of the subsection.			
41 & 42 Vict. c. 3.	The House Occupiers Disqualification Removal Act, 1878.	The whole Act.			
41 & 42 Vict. c. 5.	The House Occupiers Disqualification Removal (Scotland) Act, 1878.	The whole Act.			
41 & 42 Vict. c. 26.	The Parliamentary and Municipal Registration Act, 1878.	The whole Act so far as unrepealed (except sections one, two, eleven, twelve, thirteen and fourteen).			
41 & 42 Vict. c. 41.	The Parliamentary Elections Returning Officers' Expenses (Scotland) Act, 1878.	Section three and the Schedule.			
41 & 42 Vict. c. 78.	The Education (Scotland) Act, 1878.	Section twenty-four.			
42 & 43 Vict. c. 10.	The Assessed Rates Act, 1879.	The whole Act so far as it relates to franchise and any disqualification which depends on franchise.			



Session and Chapter.	Title or Short Title.	Extent of Repeal.	Session and Chapter.	Title or Short Title.	Extent of Repeal.
48 & 49 Vict. c. 3.	The Representation of the People Act, 1884	The whole Act so far as un-repealed.			registration matters," and the word "registration" where it lastly occurs; in subsection (2) of section ninety-two the word "occupation" and the words "of making out and revising the list of voters, of conducting any parliamentary election"; subsection (3) of section ninety-two.
48 & 49 Vict. c. 9.	The Municipal Voters Relief Act, 1885	The whole Act so far as un-repealed.			
48 & 49 Vict. c. 15.	The Registration Act, 1885	The whole Act so far as un-repealed (except sections sixteen, nineteen, and twenty); the definitions of "ownership voter," "fifty pounds rental voter," and "occupation voter" in section nineteen.	52 & 53 Vict. c. 50.	The Local Government (Scotland) Act, 1889.	Subsection (4) of section eight, and sections twenty-eight and twenty-nine.
43 & 49 Vict. c. 16.	The Registration Amendment (Scotland) Act, 1885	Section three, except so far as it relates to the valuation roll, sections four and five, sections seven to ten, thirteen to fifteen, and section seventeen.	53 & 54 Vict. c. 55.	The Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890.	In section one the definition of "revising authority"; subsection (3) of section seventeen; subsections (7) and (8) of section twenty-nine.
48 & 49 Vict. c. 17.	The Parliamentary Registration (Ireland) Act, 1885	Sections two to six, eight, nine, thirteen, fifteen, seventeen to thirty, and the Second Schedule.	53 & 54 Vict. c. 58.	The Parliamentary Registration Expenses (Ireland) Act, 1890.	The whole Act so far as un-repealed.
48 & 49 Vict. c. 23.	The Redistribution of Seats Act, 1885	As respects England and Scotland the whole Act so far as un-repealed, and as respects Ireland, subsections (3) and (4) of section eight, sections ten to twelve, subsections (3), (4), and (5) of section thirteen, sections fourteen, fifteen, eighteen and twenty, and in section twenty-six the words from "with the following" to the end of the section.	54 & 55 Vict. c. 11.	The Electoral Disabilities Removal Act, 1891.	The whole Act.
			54 & 55 Vict. c. 18.	The Registration of Electors Act, 1891.	The whole Act.
			54 & 55 Vict. c. 49.	The Returning Officers (Scotland) Act, 1891.	Section three and the Schedule.
			54 & 55 Vict. c. 68.	The County Councils (Electors) Act, 1891.	Section two.
48 & 49 Vict. c. 46.	The Medical Relief Disqualification Removal Act, 1885.	The whole Act so far as un-repealed.	56 & 57 Vict. c. 73.	The Local Government Act, 1894.	Sections forty-three and forty-four.
48 & 49 Vict. c. 62.	The Parliamentary Elections (Returning Officers) Act, 1885.	The whole Act so far as un-repealed, except so far as it applies to elections other than parliamentary elections.	57 & 58 Vict. c. 58.	The Local Government (Scotland) Act, 1894.	Subsection (1) of section ten from "provided that" to the end of the subsection; sections eleven and twelve.
49 & 50 Vict. c. 42.	The Revising Barristers Act, 1886.	The whole Act.	59 & 60 Vict. c. 17.	The Glasgow Parliamentary Divisions Act, 1896.	The whole Act.
49 & 50 Vict. c. 43.	The Revising Barristers (Ireland) Act, 1886.	The whole Act.	61 & 62 Vict. c. 2.	The Registration (Ireland) Act, 1898.	The whole Act.
49 & 50 Vict. c. 57.	The Parliamentary Elections (Returning Officers) Act (1875) Amendment Act, 1886.	The whole Act so far as un-repealed, except so far as it applies to elections other than parliamentary elections.	61 & 62 Vict. c. 37.	The Local Government (Ireland) Act, 1898.	Section ninety-eight except subsection (8); section one hundred and nine from "The expression 'revising barrister' to '1885.'"
49 & 50 Vict. c. 58.	The Returning Officers (Scotland) Act, 1886.	The whole Act	63 & 64 Vict. c. 14.	The London Government Act, 1899.	Subsection (4) of section three; subsection (1) of section four from "and shall be" to "electors"; and subsection (2) of section twenty-seven.
50 & 51 Vict. c. 55.	The Sheriffs Act, 1887.	Subsection (2) of section eighteen, so far as respects sheriffs' courts required for the purpose of elections.	63 & 64 Vict. c. 29.	The London County Council Electors Qualification Act, 1900.	The whole Act.
51 & 52 Vict. c. 10.	The County Electors Act, 1888.	The whole Act so far as un-repealed.	63 & 64 Vict. c. 49.	The Town Councils (Scotland) Act, 1900.	Section twenty-three from the words "all persons who would have been entitled" to the end of the section; and sections twenty-four to thirty-two.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Paragraph (b) of subsection (2) of section two from "or is registered" to the end of the paragraph; paragraph (xii) of section three; subsection (6) of section thirty-four; proviso twelve in section seventy-five; sections seventy-six and seventy-seven; in paragraph (6), of section eighty-three the words "registration of parliamentary voters or to the," the words "or to any	3 Edw. 7. c. 34.	The Town Councils (Scotland) Act, 1903.	Section two and four.
			8 Edw. 7. c. 14.	The Polling Arrangements (Parliamentary Boroughs) Act, 1908.	The whole Act.

Session and Chapter.	Title or Short Title.	Extent of Repeal.	Name of Parliamentary Borough.	Contents of Parliamentary Borough.	Total Number of Members for Parliamentary Borough.	Names of Divisions of Parliamentary Borough.
8 Edw. 7. c. 21.	The Registration Act, 1908.	The whole Act.				
8 Edw. 7. c. 35.	The Polling Districts and Registration of Voters (Ireland) Act, 1908.	The whole Act.				
8 Edw. 7. c. 43.	The Post Office Act, 1908.	Section eighty.				
1 & 2 Geo. 5. c. 53.	The House Letting and Rating (Scotland) Act, 1911.	Section seven, proviso (3) from the words "Provided that for the purposes of any qualification or franchise" to end of that proviso; and section eight.				
4 & 5 Geo. 5. c. 25.	The Electoral Disabilities (Naval and Military Service) Removal Act, 1914.	The whole Act.				

## NINTH SCHEDULE.

[Sections 29 (2), 37.]

## REDISTRIBUTION OF SEATS.

1. The names, contents, and boundaries of each parliamentary borough and county and division thereof shall be as specified in this schedule.

2. The areas mentioned in the second and last columns of this schedule shall be taken to be those areas as constituted on the first day of October nineteen hundred and seventeen: Provided that any misnomer or inaccurate description of any of those areas in those columns shall not in any way prevent or abridge the operation of this Act with respect to the subject of the description if it is so designated as to be commonly understood.

3. The wards mentioned in this schedule are, in relation to any borough in London, wards of the metropolitan borough; in relation to any municipal borough, wards of the municipal borough; and, in relation to any urban district, wards of the urban district.

4. The expression "borough," when used in this schedule, means a borough as bounded for police purposes on the first day of October nineteen hundred and seventeen.

5. If any doubt arises as to the constituency in which any parish, townland, ward, or other place, whether larger or smaller than a parish, townland, or ward, is intended by this schedule to be included, that doubt shall be determined by the Local Government Board, or in Scotland by the Secretary for Scotland.

[In the following we have omitted column 5—"Contents or Boundaries of Divisions." It is very long, and each item is of only local interest.—Ed., S. J.]

## PART I.

## PARLIAMENTARY BOROUGH.

## (1) LONDON.

Name of Parliamentary Borough.	Contents of Parliamentary Borough.	Total Number of Members for Parliamentary Borough.	Names of Divisions of Parliamentary Borough.
Battersea	Metropolitan borough of Battersea.	Two	North, South.
Bermondsey	Metropolitan borough of Bermondsey.	Two	Rotherhithe, West Bermondsey
Bethnal Green	Metropolitan borough of Bethnal Green.	Two	North East, South West.
Camberwell	Metropolitan borough of Camberwell.	Four	Dulwich, North, North West, Peckham.
Chelsea	Metropolitan borough of Chelsea.	One	—
City of London	City of London	Two	—
Deptford	Metropolitan borough of Deptford.	One	—
Finsbury	Metropolitan borough of Finsbury.	One	—

Name of Parliamentary Borough.	Contents of Parliamentary Borough.	Total Number of Members for Parliamentary Borough.	Names of Divisions of Parliamentary Borough.
Fulham	Metropolitan borough of Fulham.	Two	East, West.
Greenwich	Metropolitan borough of Greenwich.	One	—
Hackney	Metropolitan borough of Hackney.	Three	Central, North, South.
Hammersmith	Metropolitan borough of Hammersmith.	Two	North, South.
Hampstead	Metropolitan borough of Hampstead.	One	—
Holborn	Metropolitan borough of Holborn.	One	—
Islington	Metropolitan borough of Islington.	Four	East, North, South, West
Kensington	Metropolitan borough of Kensington.	Two	North, South.
Lambeth	Metropolitan borough of Lambeth.	Four	Brixton, Kennington, North, Norwood.
Lewisham	Metropolitan borough of Lewisham.	Two	East, West.
Paddington	Metropolitan borough of Paddington.	Two	North, South.
Poplar	Metropolitan borough of Poplar.	Two	Bow and Bromley, South Poplar.
St. Marylebone	Metropolitan borough of St. Marylebone.	One	—
St. Pancras	Metropolitan borough of St. Pancras.	Three	North, South East, South West.
Shoreditch	Metropolitan borough of Shoreditch.	One	—
Southwark	Metropolitan borough of Southwark.	Three	Central, North, South East.
Stepney	Metropolitan borough of Stepney.	Three	Limehouse, Mile End, Whitechapel and St. George's.
Stoke Newington	Metropolitan borough of Stoke Newington.	One	—
Wandsworth	Metropolitan borough of Wandsworth.	Five	Balham and Tooting, Central, Clapham, Putney, Streatham.
Westminster	Metropolitan borough of Westminster.	Two	Abbey, St. George's.
Woolwich	Metropolitan borough of Woolwich.	Two	East, West.

## (2) ENGLAND, EXCLUDING LONDON AND MONMOUTHSHIRE.

Accrington	Municipal borough of Accrington and urban districts of Church, Clayton-le-Moors, Oswaldtwistle and Rishton.	One	—
Ashton-under-Lyne	Municipal borough of Ashton-under-Lyne and urban district of Hurst.	One	—



Name of Parliamentary Borough.	Contents of Parliamentary Borough.	Total Number of Members for Parlia- mentary Borough.	Names of Divisions of Parliamentary Borough.	Name of Parliamentary Borough.	Contents of Parliamentary Borough.	Total Number of Members for Parlia- mentary Borough.	Names of Divisions of Parliamentary Borough.
Barnsley	County borough of Barnsley and urban districts of Ardsley, Darton, and Monk Bretton.	One	—	Cambridge	Municipal borough of Cambridge.	One	—
Barrow-in-Furness	County borough of Barrow-in-Furness.	One	—	Carlisle	County borough of Carlisle.	One	—
Bath	County borough of Bath.	One	—	Cheltenham	Municipal borough of Cheltenham and urban district of Charlton Kings.	One	—
Batley and Morley	Municipal boroughs of Batley, Morley and Ossett.	One	—	Coventry	County borough of Coventry.	One	—
Birkenhead	County borough of Birkenhead.	Two	East, West.	Croydon	County borough of Croydon.	Two	North, South.
Birmingham	County borough of Birmingham.	Twelve	Aston, Deritend, Duddeston, Edgbaston, Erdington, Handsworth, King's Norton, Ladywood, Moseley, Sparkbrook, West Birmingham, Yardley.	Darlington	County borough of Darlington.	One	—
Blackburn	County borough of Blackburn.	Two	—	Derby	County borough of Derby.	Two	—
Blackpool	County borough of Blackpool, urban districts of Bingham with Norbreck, Lytham and St. Anne's-on-the-Sea, and the part of the civil parish of Carleton which in pursuance of the Blackpool Improvement Act, 1917, becomes part of the county borough of Blackpool on 1st April, 1918.	One	—	Dewsbury	County borough of Dewsbury.	One	—
Bolton	County borough of Bolton.	Two	—	Dudley	County borough of Dudley and civil parish of Dudley Castle Hill.	One	—
Bootle	County borough of Bootle.	One	—	Ealing	Municipal borough of Ealing.	One	—
Bournemouth	County borough of Bournemouth.	One	—	East Ham	County borough of East Ham.	Two	North, South.
Bradford	County borough of Bradford.	Four	Central, East, North, South.	Eccles	Municipal borough of Eccles and urban district of Swinton and Pendlebury.	One	—
Brighton	County borough of Brighton and municipal borough of Hove.	Two	—	Edmonton	Urban district of Edmonton.	One	—
Bristol	County borough of Bristol.	Five	Central, East North, South, West.	Exeter	County borough of Exeter, including Exeter Castle Yard and Devon County Prison and Constabulary Barracks.	One	—
Bromley	Municipal borough of Bromley and urban districts of Beckenham and Penge.	One	—	Gateshead	County borough of Gateshead.	One	—
Burnley	County borough of Burnley.	One	—	Gloucester	County borough of Gloucester.	One	—
Bury	County borough of Bury and urban district of Tottington.	One	—	Great Yarmouth	County borough of Great Yarmouth.	One	—
				Grimsby	County borough of Grimsby and urban district of Cleethorpes.	One	—
				Halifax	County borough of Halifax.	One	—
				The Hartlepool	County borough of West Hartlepool and municipal borough of Hartlepool.	One	—
				Hastings	County borough of Hastings.	One	—
				Hornsey	Municipal borough of Hornsey.	One	—

Name of Parliamentary Borough.	Contents of Parliamentary Borough.	Total Number of Members for Parliamentary Borough.	Names of Divisions of Parliamentary Borough.	Name of Parliamentary Borough.	Contents of Parliamentary Borough.	Total Number of Members for Parliamentary Borough.	Names of Divisions of Parliamentary Borough.
Huddersfield.	County borough of Huddersfield.	One	—	Nelson and Colne	Municipal boroughs of Colne and Nelson, urban districts of Barrowford, Brierfield and Trawden, and the detached part of the civil parish of Foulridge which is bounded on the north, west, and south by the municipal borough of Colne.	One	—
Hythe.	Municipal boroughs of Hythe and Folkestone, the urban district of Cheriton and so much of the urban district of Sandgate as is not comprised in the municipal borough of Folkestone.	One	—	Newcastle-under-Lyme	Municipal borough of Newcastle-under-Lyme and urban districts of Audley and Wolstanton United.	One	—
Ilford.	Urban district of Ilford.	One	—	Newcastle-upon-Tyne	County borough of Newcastle-upon-Tyne.	Four	Central, East, North, West.
Ipswich.	County borough of Ipswich.	One	—	Northampton.	County borough of Northampton.	One	—
Kingston-upon-Hull.	County borough of Kingston-upon-Hull.	Four	Central, East, North, West.	Norwich.	County borough of Norwich.	Two	—
Kingston-upon-Thames.	Municipal borough of Kingston-upon-Thames and urban districts of Surbiton, and The Maudens and Coombe.	One	—	Nottingham.	County borough of Nottingham.	Four	Central, East, South, West.
Leeds.	County borough of Leeds.	Six	Central, North, North-East, South, South-East, West.	Oldham.	County borough of Oldham.	Two	—
Leicester.	County borough of Leicester.	Three	East, South, West.	Oxford.	County borough of Oxford.	One	—
Leigh.	Municipal borough of Leigh and urban districts of Atherton and Tyldesley-with-Shakerley.	One	—	Plymouth.	County borough of Plymouth.	Three	Drake, Devonport, Sutton.
Leyton.	Urban district of Leyton.	Two	East, West.	Portsmouth.	County borough of Portsmouth.	Three	Central, North, South.
Lincoln.	County borough of Lincoln and urban district of Bracebridge.	One	—	Preston.	County borough of Preston and urban district of Fulwood.	Two	—
Liverpool.	County borough of Liverpool.	Eleven	East Toxteth, Edge Hill, Everton, Exchange, Fairfield, Kirkdale, Scotland, Walton, Wavertree, West Derby, West Toxteth.	Reading.	County borough of Reading.	One	—
Manchester.	County borough of Manchester.	Ten	Ardwick, Blackley, Clayton, Exchange, Gorton, Hulme, Moss Side, Platting, Rusholme, Withington.	Richmond.	Municipal borough of Richmond and urban districts of Barnes and Ham.	One	—
Middlesbrough.	County borough of Middlesbrough.	Two	East, West.	Rochdale.	County borough of Rochdale.	One	—
Morpeth.	Municipal borough of Morpeth, urban districts of Ashington, Bedlingtonshire and Blyth, and civil parishes of Hepscott, Morpeth Castle, Newminster and Tranwell.	One	—	Rochester.	Municipal boroughs of Chatham, Gillingham and Rochester.	Two	Gillingham, Chatham.
				Rossendale.	Municipal boroughs of Bacup, Haslingden and Rawtenstall.	One	—
				Rotherham.	County borough of Rotherham, and urban districts of Greasborough and Rawmarsh.	One	—
				St. Helens.	County borough of St. Helens.	One	—
				Salford.	County borough of Salford.	Three	North, South, West.



Name of Parliamentary Borough.	Contents of Parliamentary Borough.	Total Number of Members for Parliamentary Borough.	Names of Divisions of Parliamentary Borough.	Name of Parliamentary Borough.	Contents of Parliamentary Borough.	Total Number of Members for Parliamentary Borough.	Names of Divisions of Parliamentary Borough.
Sheffield	County borough of Sheffield.	Seven	Attercliffe, Brightside, Central, Ecclesall, Hallam, Hillsborough, Park.	Willesden	Urban district of Willesden.	Two	East, West.
Smethwick	County borough of Smethwick	One	—	Wimbledon	Municipal borough of Wimbledon, and urban district of Merton and Morden.	One	—
Southampton	County borough of Southampton, urban district of Itchen, and civil parish of Bitterne.	Two	—	Wolverhampton	County borough of Wolverhampton, and urban district of Bilston, Coseley Heath Town or Wednesfield Heath, Sedgley, Short Heath, Wednesfield and Willenhall.	Three	Bilston, East, West.
Southend-on-Sea	County borough of Southend-on-Sea.	One	—	Worcester	County borough of Worcester.	One	—
Southport	County borough of Southport.	One	—	York	County borough of York (with York Castle).	One	—
South Shields	County borough of South Shields.	One	—				
Stockport	County borough of Stockport.	Two	—				
Stockton-on-Tees	Municipal boroughs of Stockton-on-Tees and Thornaby-on-Tees.	One	—		(3) WALES AND MONMOUTHSHIRE.		
Stoke-on-Trent	County borough of Stoke-on-Trent.	Three	Borslem, Hanley, Stoke.	Cardiff	County borough of Cardiff, and urban district of Penarth.	Three	Central, East, South.
Sunderland	County borough of Sunderland and urban district of Southwick-on-Wear.	Two	—	Carmarvon	Municipal boroughs of Bangor, Carmarvon, Conway and Pwllheli, urban districts of Criccieth, Llanudno, Llanfairfechan and Penmaenmawr, and civil parish of Nevin.	One	—
Tottenham	Urban district of Tottenham	Two	North, South.				
Tynemouth	County borough of Tynemouth.	One	—				
Wakefield	County borough of Wakefield.	One	—	Merthyr Tydfil	County borough of Merthyr Tydfil, and urban district of Aberdare and Mountain Ash.	Two	Aberdare, Merthyr.
Wallasey	County borough of Wallasey.	One	—	Newport	County borough of Newport.	One	—
Wallsend	Municipal borough of Wallsend and urban districts of Gosforth, Longbenton and Weetslade.	One	—	Rhondda	Urban district of Rhondda.	Two	East, West.
Walsall	County borough of Walsall	One	—	Swansea	County borough of Swansea.	Two	East, West.
Walthamstow	Urban district of Walthamstow	Two	East, West.		(4) BOROUGHES IN SCOTLAND.		
Warrington	County borough of Warrington.	One	—	Aberdeen	County of the City of Aberdeen.	Two	North, South.
Wednesbury	Municipal borough of Wednesbury, and urban districts of Darlaston and Tipton.	One	—	Ayr District of Burghs	Burghs of Ayr, Ardrossan, Irvine, Prestwick, Saltcoats, and Troon.	One	—
West Bromwich	County borough of West Bromwich.	One	—	Dumbarton District of Burghs	Burghs of Dumbarton and Clydebank.	One	—
West Ham	County borough of West Ham.	Four	Plaistow, Silverton, Stratford, Upton.	Dundee	County of the City of Dundee.	Two	—
Wigan	County borough of Wigan.	One	—	Dunfermline District of Burghs	Burghs of Dunfermline, Cowdenbeath, Inverkeithing, and Lochgelly.	One	—

Name of Parliamentary Borough.	Contents of Parliamentary Borough.	Total Number of Members for Parliamentary Borough.	Names of Divisions of Parliamentary Borough.	Name of Parliamentary County.	Contents of Parliamentary County.	Total Number of Members for Parliamentary County.	Names of Divisions of Parliamentary County.
Edinburgh	County of the City of Edinburgh and Burgh of Musselburgh.	Five	Central, North, West, East, South.	Devon	The administrative county of Devon.	Seven	Barnstaple, Honiton, South Molton, Tavistock, Tiverton, Torquay, Totnes
Glasgow	County of the City of Glasgow.	Fifteen	Bridgeton, Camlachie, Cathcart, Gorbals, Govan, Hillhead, Kelvin Grove, Maryhill, Partick, Pollok, St. Rollox, Shettleston, Springburn, Tradeston.	Dorset	The administrative county of Dorset.	Four	Eastern, Northern, Southern, Western
Greenock	Burgh of Greenock	One	—	Durham	The administrative county of Durham exclusive of the parts thereof comprised in parliamentary boroughs.	Eleven	Barnard Castle, Bishop Auckland, Blaydon, Chester-le-Street, Consett, Durham, Houghton-le-Spring, Jarrow, Seaham, Sedgefield, Spennymoor.
Kirkcaldy District of Burghs	Burghs of Kirkcaldy, Buckhaven, Methil and Inverleven, Burntisland, Dysart and Kinghorn	One	—	Essex	The administrative county of Essex exclusive of the parts thereof comprised in parliamentary boroughs.	Eight	Chelmsford, Colchester, Epping, Harwich, Maldon, Romford, Saffron Walden, South-Eastern.
Leith	Burgh of Leith	One	—	Gloucester	The administrative county of Gloucester exclusive of the parts thereof comprised in the parliamentary borough of Cheltenham.	Four	Cirencester and Tewkesbury, Forest of Dean, Stroud, Thornbury.
Montrose District of Burghs.	Burghs of Montrose, Arbroath, Brechin, Forfar and Inverurie	One	—	Hants.	The administrative county of Southampton, exclusive of the parts thereof comprised in the parliamentary borough of Southampton.	Six	Aldershot, Basingstoke, Fareham, New Forest and Church, Petersfield, Winchester.
Paisley	Burgh of Paisley	One	—				
Stirling and Falkirk District of Burghs.	Burghs of Stirling, Falkirk and Grangemouth	One	—				

## PART II.

## PARLIAMENTARY COUNTIES.

## (1) ENGLAND, EXCLUDING MONMOUTHSHIRE.

Bedford	The administrative county of Bedford	Three	Bedford, Luton, Mid	Hereford	The administrative county of Hereford.	Two	Hereford, Leominster
Berks	The administrative county of Berks	Three	Abingdon, Newbury, Windsor	Hertford	The Administrative county of Hertford.	Five	Hemel Hempstead, Hertford, Hitchin, St. Albans, Watford.
Bucks	The administrative county of Bucks	Three	Aylesbury, Buckingham, Wycombe	Holland with Boston.	The administrative county of the Parts of Holland.	One	—
Cambridge	The administrative county of Cambridge exclusive of the part thereof comprised in the County of Cambridge.	One	—	Huntingdon	The administrative county of Huntingdon.	One	—
Chester	The administrative county of Chester and the county borough of Chester	Nine	Altrincham, City of Chester, Crewe, Eddisbury, Knutsford, Macclesfield, Northwich, Stalybridge and Hyde, Wirral.	Isle of Ely	The administrative county of the Isle of Ely.	One	—
Cornwall	The administrative county of Cornwall and the Isles of Scilly.	Five	Bodmin, Camborne, Northern, Penryn and Falmouth, St. Ives	Isle of Wight	The administrative county of the Isle of Wight.	One	—
Cumberland	The administrative county of Cumberland.	Four	Northern, Penrith and Cockermouth, Whitehaven, Workington.	Kent	The administrative county of Kent (exclusive of the parts thereof comprised in parliamentary boroughs) and the county borough of Canterbury.	Eleven	Ashford, Canterbury, Chislehurst, Dartford, Dover, Faversham, Gravesend, Isle of Thanet, Maidstone, Sevenoaks, Tonbridge.
Derby	The administrative county of Derby.	Eight	Belper, Chesterfield, Clay Cross, High Peak, Ilkeston, North Eastern, Southern, Western				



Name of Parliamentary County.	Contents of Parliamentary County.	Total Number of Members for Parlia- mentary County.	Names of Divisions of Parliamentary County.	Name of Parliamentary County.	Contents of Parliamentary County.	Total Number of Members for Parlia- mentary County.	Names of Divisions of Parliamentary County.
Parts of Kest- even, and Rutland.	The administrative county of the parts of Kesteven (exclusive of the part thereof com- prised in the parliamentary borough of Lin- coln) and the ad- ministrative county of Rut- land.	Two	Grantham, Rutland and Stamford.	Stafford.	The administrative county of Staf- ford (exclusive of the parts there- of comprised in parliamentary boroughs) and the county borough of Barton-upon-Trent	Seven	Barton, Cannock, Kingwinford, Leek, Lichfield, Stafford, Stone.
Lancaster	The administrative county of Lancas- ter exclusive of the parts thereof comprised in pa- liamentary bor- oughs.	Eighteen	Chorley, Clitheroe, Darwen, Farn- worth, Fylde, Heywood and Radcliffe, Ince, Lancaster, Lons- dale, Middleton and Prestwich, Mossley, Newton, Ormskirk, Roy- ton, Stretford, Waterloo, Wes- houghton, Widnes	East Suffolk.	The administrative county of East Suffolk.	Three	Eye, Lowestoft, Woodbridge.
Leicester	The administrative county of Leices- ter.	Four	Bosworth, Har- borough, Lough- borough, Melton.	West Suffolk.	The administrative county of West Suffolk.	Two	Bury St. Edmunds, Sudbury.
Parts of Lind- sey.	The administrative county of Lindsey exclusive of the part thereof com- prised in the pa- liamentary bor- ough of Grimsby.	Four	Brigg, Gains- borough, Horn- castle, Louth.	Surrey.	The administrative county of Surrey exclusive of the parts thereof com- prised in parlia- mentary boroughs.	Seven	Chertsey, Eastern, Epsom, Farnham, Guildford, Mit- cham, Reigate.
Middlesex	The administrative county of Middle- sex exclusive of the parts thereof comprised in pa- liamentary bor- oughs.	Ten	Acton, Brentford and Chiswick, En- field, Finchley, Harrow, Hendon, Spelthorne, Twick- enham, Uxbridge, Wood Green.	East Sussex.	The administrative county of East Sussex (exclusive of the part there- of comprised in the parliamentary borough of Brighton) and the county bor- ough of East- bourne.	Four	Eastbourne, East Grinstead, Lewes, Rye.
Norfolk	The administrative county of Norfolk.	Five	Eastern, King's Lynn, Northern, Southern, South- Western.	West Sussex.	The administrative county of West Sussex.	Two	Chichester, Hor- sham and Worth- ing.
Northampton, with the soke of Peter- borough	The administrative counties of North- ampton and the soke of Peter- borough	Four	Daventry, Ketter- ing, Peterborough, Wellingborough.	Warwick	The administrative county of War- wick.	Four	Nuneaton, Rugby, Tamworth, War- wick and Lea- mington.
Northumber- land.	The administrative county of North- umberland exclu- sive of the parts thereof comprised in parliamentary boroughs.	Three	Berwick-upon- Tweed, Hexham, Wansbeck.	Westmorland	The administrative county of West- morland.	One	—
Nottingham	The administrative county of Notting- ham.	Five	Bassetlaw, Brox- towe, Mansfield, Newark, Rush- cliffe.	Wilts.	The administrative county of Wilts.	Five	Chippenham, Devizes, Salis- bury, Swindon, Westbury.
Oxford	The administrative county of Oxford	Two	Banbury, Henley	Worcester	The administrative county of Worces- ter.	Four	Bewdley, Evesham, Kidderminster, Stourbridge.
Salop	The administrative county of Salop.	Four	Ludlow, Oswestry, Shrewsbury, The Wrekin.	York, East Riding.	The administrative county of York, East Riding.	Three	Buckrose, Holder- ness, Howden- shire.
Somerset	The administrative county of Somerset	Six	Bridgwater, Frome, Taunton, Wells, Weston-super- Mare, Yeovil.	York, North Riding.	The administrative county of York, North Riding, ex- clusive of the part thereof comprised in the parliamen- tary borough of Stockton-on-Tees.	Four	Cleveland, Rich- mond, Sear- borough and Whitby, Thirsk and Malton.
				York, West Riding.	The administrative county of York, West Riding, ex- clusive of the parts thereof comprised in parliamentary boroughs.	Nineteen	Barkston Ash, Colne Valley, Doncaster, Don Valley, Elland, Hemsworth, Keighley, Nor- manton, Peni- stone, Pontefract, Pudsey and Otley, Ripon, Rother Valley, Rothwell, Shipley, Skipton, Sowerby, Spen Valley, Went- worth.

Name of Parliamentary County.	Contents of Parliamentary County.	Total Number of Members for Parlia- mentary County.	Names of Divisions of Parliamentary County.	Name of Parliamentary County.	Contents of Parliamentary County.	Total Number of Members for Parlia- mentary County.	Names of Divisions of Parliamentary County.
(2) WALES AND MONMOUTHSHIRE.				Banff	The county of Banff, inclusive of all burghs situated therein.	One	—
Anglesey	The administrative county of Anglesey.	One	—	Berwick and Haddington.	The counties of Berwick and Haddington, inclusive of all burghs situated therein.	One	—
Brecon and Radnor.	The administrative counties of Brecon and Radnor.	One	—	Caithness and Sutherland	The counties of Caithness and Sutherland, inclusive of all burghs situated therein.	One	—
Cardigan	The administrative county of Cardigan.	One	—	Dumbarton	The county of Dumbarton, inclusive of all burghs situated therein except the burghs of Dumbarton and Clydebank.	One	—
Carmarthen	The administrative county of Carmarthen.	Two	Carmarthen, Llanelli.	Dumfries	The county of Dumfries, inclusive of all burghs situated therein.	One	—
Carnarvon	The administrative county of Carnarvon exclusive of the part thereof comprised in the Carnarvon District of Boroughs and inclusive of Bardsey Island.	One	—	Fife	The county of Fife, inclusive of all burghs situated therein except the burghs of Dumfries, Cowdenbeath, Inverkeithing, Lochgelly, Kirkcaldy, Buckhaven, Methil and Innerleven, Burntisland, Dysart and Kinghorn.	Two	Eastern, Western.
Denbigh	The administrative county of Denbigh.	Two	Denbigh, Wrexham.	Forfar	The county of Forfar, inclusive of all burghs situated therein except the county of the city of Dundee and the burghs of Montrose, Arbrogath, Brechin, and Forfar.	One	—
Flint	The administrative county of Flint.	One	—	Galloway	The counties of Kirkcudbright, and Wigtown, inclusive of all burghs situated therein.	One	—
Glamorgan	The administrative county of Glamorgan exclusive of the parts thereof comprised in parliamentary boroughs.	Seven	Aberavon, Caerphilly, Gower, Llandaff and Barry, Neath, Ogmore, Pontypridd.	Inverness and Ross and Cromarty.	The county of Inverness and Ross and Cromarty, inclusive of all burghs situated therein.	Three	Inverness, Ross and Cromarty, Western Isles.
Merioneth	The administrative county of Merioneth.	One	—	Lanark	The county of Lanark, inclusive of all burghs situated therein except the county of the city of Glasgow and so much of the burgh of Renfrew as is contained within the parish of Govan.	Seven	Bothwell, Coatbridge, Hamilton, Lanark, Motherwell, Northern, Rutherglen.
Monmouth	The administrative county of Monmouth.	Five	Abertillery, Bedwelly, Ebbw Vale, Monmouth, Pontypool.				
Montgomery	The administrative county of Montgomery.	One	—				
Pembroke	The administrative county of Pembroke.	One	—				
(3) SCOTLAND.							
Aberdeen and Kincardine	The counties of Aberdeen and Kincardine, inclusive of all burghs situated therein except the county of the city of Aberdeen and the burgh of Inverberrie.	Three	Central, Eastern, Kincardine and Western.				
Argyll	The county of Argyll, inclusive of all burghs situated therein.	One	—				
Ayr and Bute	The counties of Ayr and Bute, inclusive of all burghs situated therein except the burghs of Ayr, Ardrossan, Irvine, Prestwick, Saltcoats, and Troon.	Three	Bute and Northern, Kilmarnock, South Ayrshire.				



Name of Parliamentary County.	Contents of Parliamentary County.	Total Number of Members for Parlia- mentary County.	Names of Divisions of Parliamentary County.
Linlithgow	The county of Linlithgow, inclusive of all burghs situated therein.	One	—
Midlothian and Peebles.	The counties of Midlothian and Peebles, inclusive of all burghs situated therein, except the county of the city of Edinburgh and the burghs of Leith and Musselburgh.	Two	Northern, Peebles and Southern
Moray and Nairn.	The counties of Elgin and Nairn, inclusive of all burghs situated therein.	One	—
Orkney and Zetland.	The counties of Orkney and Zetland, inclusive of all burghs situated therein.	One	—
Perth and Kinross.	The counties of Perth and Kinross, inclusive of all burghs situated therein.	Two	Kinross and Western Perth.
Renfrew	The county of Renfrew, inclusive of all burghs situated therein, except the burghs of Greenock and Paisley, together with so much of the burgh of Renfrew as is contained within the parish of Govan in the county of Lanark.	Two	Eastern, Western.
Roxburgh and Selkirk.	The counties of Roxburgh and Selkirk, inclusive of all burghs situated therein.	One	—
Stirling and Clackmannan.	The counties of Stirling and Clackmannan, inclusive of all burghs situated therein, except the burghs of Stirling, Falkirk and Grangemouth.	Two	Clackmannan and Eastern, Western.

PART III.  
UNIVERSITIES.

Description of University Constituency.	Number of Members.
England and Wales:—	
The University of Oxford	2
The University of Cambridge	2
The University of London	1
The University of Wales	1
The University of Durham, the Victoria University of Manchester, the University of Liverpool, the University of Leeds, the University of Sheffield, the University of Birmingham, and the University of Bristol	2
Scotland:—	
The University of St. Andrews, the University of Glasgow, the University of Aberdeen, and the University of Edinburgh	3

## CHAPTER 65.

## REDISTRIBUTION OF SEATS (IRELAND) ACT, 1918.

An Act to provide for the Redistribution of Seats at Parliamentary Elections in Ireland and for purposes connected therewith.

[6th February, 1918.]

Be it enacted, &amp;c. :—

1. *Boroughs to cease to have separate representation.*—Each of the parliamentary boroughs named in the First Schedule to this Act shall cease to have separate representation.

2. *Boroughs to have altered boundaries.*—(1) The contents and boundaries of each of the parliamentary boroughs named in the Second Schedule to this Act and of the divisions thereof shall, for all purposes of and relating to parliamentary elections, be as specified in that schedule, and each of those boroughs shall return the number of members specified opposite thereto in the said schedule.

(2)—(a) Each of the parliamentary boroughs named in Part I. of the Second Schedule to this Act shall be divided into the divisions specified in that Part, and each such division shall return one member.

(b) The divisions of each of the parliamentary boroughs named in Part I. of the Second Schedule to this Act existing at the time of the passing of this Act for the purpose of parliamentary elections shall cease.

3. *Counties to have number of members reduced.*—Each of the parliamentary counties named in the Third Schedule to this Act shall return one member and no more, and the divisions of each of those counties existing at the time of the passing of this Act for the purposes of parliamentary elections shall cease.

4. *Counties to have wholly new divisions or altered boundaries with consequential alteration in adjacent divisions.*—(1) The contents and boundaries of each of the parliamentary counties named in the Fourth Schedule to this Act and of the divisions thereof shall, for all purposes of and relating to parliamentary elections, be as specified in that schedule, and each of those counties shall return the number of members specified opposite thereto in the said schedule.

(2)—(a) Each of the parliamentary counties named in Part I. of the Fourth Schedule to this Act shall be divided into the divisions specified in that Part, and each such division shall return one member.

(b) The divisions of each of the parliamentary counties named in the Fourth Schedule to this Act existing at the passing of this Act for the purposes of parliamentary elections shall cease.

(3) For the purpose of making the alterations in certain divisions of adjacent parliamentary counties which are consequential on the alterations of boundaries made under this Act, each of the divisions named in the second column of the Fifth Schedule shall consist of the area described in the third column of that schedule and the boundaries of each of the said divisions shall be altered accordingly.

5. *New university constituencies.*—(1) Each of the universities mentioned in the Sixth Schedule to this Act shall be a separate parliamentary constituency returning one member to Parliament.

(2) For the purposes of the application to the university constituencies named in the Sixth Schedule to this Act, of the provisions with respect to elections for university constituencies contained in the Representation of the People Act, 1918, the returning officer, in the case of the Queen's University of Belfast, shall be the President of the University, and, in the case of the National University of Ireland, shall be the Vice-Chancellor of the University.

6. *Dates of constitution of areas for purposes of schedule.*—The areas mentioned in the second and last columns of Part I. of the Second and Fourth Schedules to this Act, and in the second column of Part II. of those Schedules, and in the last column of the Fifth Schedule to this Act, shall be taken to be those areas as constituted on the first day of January, nineteen hundred and eighteen: Provided that any misnomer or inaccurate description of any of those areas in those columns shall not in any way prevent or abridge the operation of this Act with respect to the subject of the description if it is so designated as to be commonly understood.

7. *Removal of doubts.*—If any doubt arises as to the parliamentary borough or county, or division of a parliamentary borough or county in which any parish, townland, ward, or other place, whether larger or smaller than a parish, townland, or ward, is intended by any of the schedules to this Act to be included that doubt shall be determined by the Local Government Board for Ireland.

8. *Alteration of polling districts where necessary.*—The council having power to divide a parliamentary county or parliamentary borough into polling districts shall, not later than one month after the passing of this Act, take into consideration the division of such county or borough into polling districts, and make any re-arrangement of those districts and of polling places which it appears necessary to make as a consequence of alterations effected by this Act.

9. *Commencement of Act.*—This Act shall come into operation on the passing thereof or, if the Representation of the People Act, 1918 [7 & 8 Geo. 5, c. 64], has not then passed, on the passing of that Act: Provided that nothing in this Act shall affect any parliamentary register for the time being in force, or any parliamentary elections, or the constitution of the House of Commons, until Parliament is first dissolved or ceases to have continuance after the first register to be prepared under the Representation of the People Act, 1918, comes into force.

10. *Construction and short title.*—(1) This Act shall be construed as one with the Representation of the People Act, 1918.

(2) This Act may be cited as the Redistribution of Seats (Ireland) Act, 1918.

## SCHEDULES.

## FIRST SCHEDULE.

[Section 1.]

PARLIAMENTARY BOROUGHES TO CEASE TO HAVE SEPARATE REPRESENTATION.

Galway.  
Kilkenny.  
Newry.

## SECOND SCHEDULE.

[Sections 2, 6.]

PARLIAMENTARY BOROUGHES TO HAVE ALTERED BOUNDARIES.

## PART I.

BOROUGHES WITH ADDITIONAL MEMBERS.

Name of Parliamentary Borough.	Contents of Parliamentary Borough.	Total Number of Members for Parliamentary Borough.	Names of Divisions of Parliamentary Borough.
Belfast -	The county borough of Belfast.	Nine	Cromac, Duncairn, Falls, Ormeau, Pottinger, St. Anne's, Shankill, Victoria, Woodvale.
Dublin -	The county borough of Dublin.	Seven	Clontarf, College Green, Dublin Harbour, St. James's, St. Michael's, St. Patrick's, St. Stephen's Green.

## PART II.

BOROUGH WITH UNALTERED REPRESENTATION.

Name of Parliamentary Borough.	Contents of Parliamentary Borough.	Number of Members for Parliamentary Borough.
Waterford -	The county borough of Waterford and the part of the rural district of Waterford No. 1 which consists of the district electoral divisions of Ballynakill, Kilbarry, Killoteran, and Waterford Rural.	One.

## THIRD SCHEDULE.

[Section 3.]

COUNTIES WITH UNALTERED BOUNDARIES TO LOSE ONE MEMBER.

King's County. Louth.  
Leitrim. Queen's County.  
Longford. Westmeath.

## FOURTH SCHEDULE.

[Sections 4, 6.]

## PART I.

COUNTIES WITH WHOLLY NEW DIVISIONS.

Name of Parliamentary County.	Contents of Parliamentary County.	Total Number of Members for Parliamentary County.	Names of Divisions of Parliamentary County.
Down -	The administrative county of Down.	Five	East Down, Mid Down, North Down, South Down, West Down.
Dublin -	The administrative county of Dublin.	Four	North Dublin, South Dublin, Pembroke, Rathmines.

Name of Parliamentary County.	Contents of Parliamentary County.	Total Number of Members for Parliamentary County.	Names of Divisions of Parliamentary County.
Galway -	The administrative county of Galway	Four	Connemara, East Galway, North Galway, South Galway.
Kilkenny -	The administrative county of Kilkenny.	Two	North Kilkenny, South Kilkenny.
Tyrone -	The administrative county of Tyrone.	Three	North East Tyrone, North West Tyrone, South Tyrone

## PART II.

COUNTY WITH ALTERED BOUNDARIES AND REDUCED REPRESENTATION.

Name of Parliamentary County.	Contents of Parliamentary County.	Number of Members for Parliamentary County.
Waterford -	The administrative county of Waterford, exclusive of the part thereof comprised in the parliamentary borough of Waterford.	One.

## FIFTH SCHEDULE.

[Sections 4 (3), 6.]

COUNTIES WITH ONE ALTERED DIVISION.

Name of Parliamentary County.	Name of Division of Parliamentary County.
Antrim -	South Antrim.
Armagh -	South Armagh.
Clare -	East Clare.
Mayo -	South Mayo.
Roscommon -	South Roscommon.
Tipperary -	East Tipperary.
Wexford -	South Wexford.
Wicklow -	East Wicklow.

## SIXTH SCHEDULE.

[Section 5.]

ADDITIONAL UNIVERSITY CONSTITUENCIES.

Name of University.	Number of Members.
The Queen's University of Belfast	One.
The National University of Ireland	One.

## CHAPTER 66.

## MILITARY SERVICE ACT, 1918.

An Act to repeal sub-section (3) of section three of the Military Service Act, 1916, and to provide for the cancellation of certificates of exemption from military service granted on occupational grounds.

[6th February, 1918.]

Be it enacted, &c. :-

1. *Repeal of s. 3 (3) of 5 & 6 Geo. 5, c. 104.*—Sub-section (3) of section three of the Military Service Act, 1916, as amended by section six of the Military Service Act, 1916 (Session 2) [6 & 7 Geo. 5, c. 15], is hereby repealed, and accordingly the Military Service Acts, 1916 and 1917, shall, as respects any man whose certificate of exemption for any reason ceases or has ceased (whether before or after the passing of this Act) to be in force, have effect as though the provisions repealed by this section were not included in those Acts.

2. *Power of Director-General of National Service to withdraw exemptions.*—(1) The Director-General of National Service may at any time by order withdraw any certificate of exemption from military service to which this section applies as from such date, not being less than fourteen days after the date of the order, as may be specified in the order, and as from that date any certificate to which the order applies shall cease to be in force.



(2) This section applies to any certificate of exemption from the provisions of the Military Service Acts, 1916 and 1917, whether granted before or after the passing of this Act, and whether granted by a tribunal or by or under the authority of a Government Department, where the certificate was granted or renewed on occupational grounds, and also applies to any certificate so granted or renewed on such grounds to a man who has voluntarily attested, notwithstanding that the certificate has not statutory force.

(3) An order under this section may be made applicable either to individual certificates granted by Government departments, or to certificates granted to any class or body of men specified in the order (whether or not dependent on the obtaining by those men of individual certificates), or to certificates granted to men of any class or description specified in the order, and, as respects any class or body of men or men of any class or description, may be made applicable only to men falling within such limits of age or fulfilling such other conditions as may be specified in the order, and may contain such exceptions and supplemental provisions as the Director-General thinks fit, including giving the right of making an application to a tribunal in exceptional cases.

An order under this section may be revoked, extended, or varied, by a further order of the Director-General, as occasion requires.

(4) Where and so long as an order under this section is in force, then except as otherwise expressly provided by the order—

(a) no application shall be entertained for the grant or renewal of a certificate, and no certificate shall be granted or renewed where the certificate, if it had been operative at the time at which the order was made, would have come within the terms of the order; and

(b) no application shall be made by or in respect of a man whose certificate comes within the terms of the order for the renewal of the certificate except on grounds which are not occupational, or for the grant of any certificate on occupational grounds, and no such application if already made shall be proceeded with, and no certificate shall be renewed or granted on any such application,

and any certificate granted or renewed in contravention of the foregoing provisions shall be invalid, but save as aforesaid nothing in this section shall affect any right of a man, whether unattested or attested, whose certificate has been withdrawn under this Act to apply for a renewal of his certificate which he would have had if this Act had not been passed.

(5) An order under this section (other than an order applicable to an individual certificate) shall be laid on the table of both Houses of Parliament as soon as may be after it is made, and if either of those Houses within fourteen days after the order has been so laid presents an address to His Majesty praying that the order, or any part thereof, should be annulled, His Majesty in Council may annul the order or such part thereof, and it shall thenceforth be void without prejudice to the validity of anything done in pursuance thereof: Provided that section one of the Rules Publication Act, 1893 [56 & 57 Vict. c. 66], shall not apply to an order made under this section.

(6) Where an order under this section applicable to an individual certificate is made, notice thereof shall be served on the man affected thereby and may be served by sending it to him by registered post to his last known address.

(7) For the purposes of this section a certificate shall be deemed to have been granted or renewed on occupational grounds which was granted or renewed wholly or partly on any of the grounds specified in paragraph (a) of sub-section (1) of section two of the Military Service Act, 1916, or (in the case of voluntarily attested men) on any similar grounds, or which, in either case, was granted or renewed by or under the authority of any Government Department; and if any question arises whether a certificate was granted or renewed on occupational grounds, the question shall be referred to the Director-General, whose decision thereon shall be final.

3. *Short title and citation.*—This Act may be cited as the Military Service Act, 1918, and the Military Service Acts, 1916 and 1917, and this Act shall be construed together and may be cited together as the Military Service Acts, 1916 to 1918.

## CHAPTER 67.

### NON-FERROUS METAL INDUSTRY ACT, 1918.

An Act to restrict temporarily the persons who may engage in business connected with certain non-ferrous metals and metallic ores.

[6th February, 1918.]

Be it enacted, &c.:—

1. *Prohibition against dealing in certain metals and ores without a licence.*—(1) It shall not be lawful for any company, firm, or individual after the expiration of six months from the passing of this Act, or such longer period as the Board of Trade may generally or in any particular case allow, to carry on the business of winning, extracting, smelting, dressing, refining, or dealing by way of wholesale trade, in metal or metallic ore to which this Act applies, unless licensed to do so by the Board of Trade, such licence to be in the form set out in the Second Schedule to this Act:

Provided that the purchase or sale of metal shall not be deemed to be dealing in such metal where such purchase or sale is incidental only to the trade carried on by the purchaser or seller:

Provided also that no licence shall be required when the winning, extracting, smelting, dressing, refining, or dealing is carried on wholly outside the United Kingdom.

(2) In the case of a company, firm, or individual with respect to which

any of the conditions set forth in the First Schedule to this Act apply, or which is controlled by a company, firm, or individual in respect of which any such conditions apply, no licence shall be granted unless the Board of Trade are of opinion that the grant of a licence is expedient, but save as aforesaid any company, firm, or individual carrying on or proposing to carry on such business as aforesaid shall on making application in the prescribed manner, and on furnishing such information and allowing inspection of such books and documents as may be reasonably required, and on payment of the prescribed fee, which shall not exceed one guinea, be entitled to a licence under this Act.

(3) A licence under this Act shall remain in force unless and until it is suspended or revoked.

(4) The Board of Trade, if satisfied by evidence not before them at the time when the licence was granted that such company, firm, or individual is, or has become, subject to any of the conditions set forth in the First Schedule to this Act, or in the case of a company, firm, or individual to which a licence has been granted notwithstanding that it is subject to any such conditions as aforesaid, that it is expedient that the licence should be revoked or suspended, may revoke or suspend the licence.

(5) If any question arises between the Board of Trade and any company, firm, or individual—

(a) as to whether or not the business carried on by the company, firm, or individual is such as to require a licence under this Act; or

(b) as to whether or not any of the conditions set forth in the First Schedule of this Act apply in respect of the company, firm, or individual; or

(c) as to whether or not the company, firm, or individual is controlled by a company, firm, or individual in respect of which any such conditions apply; or

(d) as to the requirements of the Board of Trade for the production of books or documents for inspection,

the question shall, subject to rules of court, be referred by the Board of Trade to the High Court for determination, and the decision of a Divisional Court of the King's Bench Division on any such reference shall be final, and no appeal therefrom shall lie to any other Court.

(6) Where at the expiration of the said six months or longer period allowed by the Board of Trade proceedings on any such application are pending in the High Court, the Court shall, on application being made for the purpose, extend the said period of six months or longer period as respects that company, firm, or individual for such period as may be necessary to allow the question to be determined by the Court, and where the application is made with reference to the suspension or revocation of a licence the licence shall not be suspended or revoked until the question has been determined by the Court.

(7) The Board of Trade shall publish in the prescribed manner the name of any company, firm, or individual to whom a licence has been granted under this Act or whose licence has been suspended or revoked.

(8) References in this section to the High Court shall in relation to Scotland be construed as references to the Court of Session, and the reference to a Divisional Court of the King's Bench Division shall be construed as a reference to a division of the Court of Session.

2. *Power to require information and inspection of documents.*—The Board of Trade shall have power at any time to require the applicant for a licence or a licensee, or any person who, being a director, partner, manager, or officer of, or the holder of, or a person interested in, shares or securities of, any company, or firm, which has applied for the grant of a licence, or to which a licence has been granted under this Act, or by which the applicant or licensee is controlled, or being the manager of the business carried on by an individual applicant or licensee, is able to give any information as to the constitution, control or management of the company or firm, or the business carried on by the company, firm, or individual, or the beneficial interest of any person in such business, or in any shares or securities of the company or firm, to furnish such information within such time as the Board may direct, and for the purpose of obtaining or verifying such information any person appointed by the Board in that behalf shall be entitled to inspect any books and documents belonging to or under the control of such company, firm, or individual, the inspection of which may reasonably be required for the purpose aforesaid.

3. *Offences.*—(1) If any person carries on the business of winning, extracting, smelting, dressing, refining, or dealing in any metal or metallic ore in contravention of this Act without a licence, he shall, on an information being laid by or on behalf of the Board of Trade, be liable on summary conviction to imprisonment with or without hard labour for a term not exceeding three months, or to a fine not exceeding one hundred pounds for each day during which the offence continues, or to both such imprisonment and fine:

Provided that the provision as to informations being laid by or on behalf of the Board of Trade shall not apply to Scotland.

(2) If any person refuses or neglects to furnish any information which under this Act is required to be furnished within the time within which it is to be furnished, or knowingly furnishes any information required to be furnished under this Act which is false in any material particular, or having custody of any book or document which a person is authorized to inspect under this Act, refuses or wilfully neglects to produce the book or document for inspection, or forges or fraudulently alters or uses or permits to be fraudulently used any licence issued under this Act, he shall be liable on summary conviction to imprisonment with or without hard labour for a term not exceeding three

months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(3) Where the person guilty of an offence under this Act is a company, every director, manager, secretary, and other officer of the company who is knowingly a party to the default, shall also be guilty of the like offence, and liable to the like punishment.

4. *Provision as to warrants to bearer.*—(1) A company carrying on any business to which section one of this Act applies, which has issued share warrants to bearer, may give notice requiring the holders of the share warrants to surrender their warrants for cancellation and to have their names entered in the register.

(2) The notice shall be given by advertisement in the London, Edinburgh, or Dublin Gazette, as the case may be, and by any other method by which notices to, or for the information of, holders of share warrants to bearer are required to be given by the regulations of the company or the conditions of issue of the warrants.

(3) Where such a notice has been given no person shall, as holder of a share warrant, be entitled to attend or vote at any meeting of the company, and any dividends or interest which may become payable in respect of any shares represented by share warrants shall be retained by the company until the share warrants have been surrendered for cancellation.

(4) For the purposes of this Act the expression "share warrants to bearer" includes any bearer securities which confer on the holder thereof any voting power with respect to the management of the company.

5. *Provisions as to secrecy.*—No information as to any person or any business obtained under this Act shall be published except for the purposes of legal proceedings under this Act, and if any person knowingly publishes any information in contravention of this provision he shall be liable on summary conviction to imprisonment with or without hard labour for a term not exceeding three months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

6. *Rules.*—The Board of Trade may make rules (subject in respect of fees to the approval of the Treasury), for prescribing anything which, under this Act, is to be prescribed, and generally for carrying this Act into effect, and such rules shall provide for excluding from dealings by way of wholesale trade within the meaning of this Act dealings in quantities below such limits as may be prescribed generally or as respects any particular metal or metallic ore:

Provided that all such rules shall be laid before each House of Parliament as soon as may be after they are made, and if an address is presented to His Majesty by either House of Parliament, within the next forty days on which that House has sat next after any such rule is laid before it, praying that the rule may be annulled, His Majesty in Council may, if it seems fit, annul the rule, and it shall thenceforth be void.

7. *Evidence of documents.*—All documents purporting to be documents made by the Board of Trade under this Act, and to be sealed with the seal of the Board, or to be signed by the secretary or an assistant secretary of the Board, or by any person authorized in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such documents without further proof unless the contrary is shown.

8. *Declarations.*—(1) A company carrying on any business to which section one of this Act applies may give notice requiring a shareholder or debenture holder to make a declaration under the Statutory Declarations Act, 1835, as to the beneficial ownership of the shares or debentures standing in his name, and as to the nationality of such beneficial owner.

(2) The notice shall be given by any method by which notices to, or for the information of, holders of shares or debentures are required to be given by the regulations of the company or the conditions of issue of the debentures.

(3) Where such a notice has been given no person shall as holder of a share be entitled to attend or vote at any meeting of the company, and any dividends or interest which may become payable in respect of any shares or debentures shall be retained by the company until the shareholder or debenture holder shall have made such declaration as aforesaid.

(4) For the purposes of this section the expressions "shares" and "debentures" include stock and debenture stock and "shareholder" and "debenture holder" have corresponding meanings.

9. *Metals or ores to which Act applies.*—The metals and ores to which this Act applies are zinc, copper, tin, lead, nickel, aluminium, and any other non-ferrous metals and ores to which this Act may be applied by order of the Board of Trade; the expression "metal" shall not include metal which has been subjected to any manufacturing process except

such as may be prescribed; and the expression "ore" shall include concentrates, mattes, precipitates and other intermediate products.

10. *Short title and duration.*—(1) This Act may be cited as the Non-Ferrous Metal Industry Act, 1918.

(2) This Act shall continue in force only during the continuance of the present war and for a period of five years after the termination thereof.

## SCHEDULES. FIRST SCHEDULE.

[Section 1.]

### CONDITIONS.

1. That any director of the company or any partner of the firm, or the individual, or any manager or other principal officer employed by the company, firm, or individual, is a person who is or has been a subject of a State which is now at war with His Majesty or an enemy controlled corporation.

2. That in the case of a company, any capital of the company is or was at any time after the twelfth day of November, nineteen hundred and seventeen, held by or on behalf of an enemy, including any stock or shares of the company vested in the custodian by virtue of any order made under the Trading with the Enemy Acts, 1914 to 1916.

3. That the company, firm, or individual is or was at any time after the twelfth day of November, nineteen hundred and seventeen, party to any agreement, arrangement or understanding, which enables or enabled an enemy to influence the policy or conduct of the business.

4. That the company, firm, or individual is or was at any time after the twelfth day of November, nineteen hundred and seventeen, interested, directly or indirectly, to the extent of one-fifth or more of the capital profits or voting power in any undertaking whether or not in the United Kingdom, engaged in business of a kind to which this Act applies, in which enemies are also interested, directly or indirectly, to the extent of one-fifth or more of the capital profits or voting power.

5. That the company, firm, or individual is by any means whatever subject, directly or indirectly, in the conduct of their or his business to enemy influence or association.

6. That, in the case of a company, the company has issued share warrants to bearer and has not given notice under this Act requiring the holders of the share warrants to surrender their warrants for cancellation.

For the purposes of this Schedule—

The expression "enemy" means a subject of a State which is now at war with His Majesty and an enemy controlled corporation.

The expression "enemy controlled corporation" means any corporation—

(a) where the majority of the directors or the persons occupying the position of directors by whatever name called, are subjects of such a State as aforesaid; or

(b) where the majority of the voting power is in the hands of persons who are subjects of such a State as aforesaid, or who exercise their voting powers directly or indirectly on behalf of persons who are subjects of such a State as aforesaid; or

(c) where the control is by any means whatever in the hands of persons who are subjects of such a State as aforesaid; or

(d) where the executive is an enemy controlled corporation or where the majority of the executive are appointed by an enemy controlled corporation.

The expression "capital" in relation to a company means any shares or securities issued by the company which carry, or would, if the necessary formalities were complied with, carry any voting power with respect to the management of the company, and shall also include debentures and debenture stock and money lent to the company.

## SECOND SCHEDULE.

[Section 1 (1).]

### FORM OF LICENCE.

(Name of company, firm, or individual) of  
is hereby licensed under the Non-Ferrous Metal Industry Act, 1918, to carry on the business of winning, extracting, smelting, dressing, refining, and dealing by way of wholesale trade in the metals or metallic ores to which the said Act applies.

By Order of the Board of Trade.

[N.B.—The Statutes of the present session follow immediately after the index to the foregoing Statutes, but in order to include Chap. 5, the Military Service (No. 2) Act, 1918, in this week's issue we have placed it before Chap. 4, the Trustee Savings Banks Act, 1918. This will appear in our next Statute pages.]



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# STATUTES

Enacted in the Session of Parliament, 1918.

## CHAPTER 1.

### CONSOLIDATED FUND (NO. 1) ACT, 1918.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand nine hundred and eighteen and one thousand nine hundred and nineteen.  
[19th March, 1918.]

## CHAPTER 2.

### MARRIAGES (IRELAND) ACT, 1918.

An Act to extend the Hours within which Marriages may be lawfully solemnized in Ireland.  
[21st March, 1918.]

## CHAPTER 3.

### OVERSEAS TRADE DEPARTMENT (SECRETARY) ACT, 1918.

An Act to make provision for the joint appointment by the Board of Trade and the Secretary of State for Foreign Affairs of a Secretary of the Overseas Trade Department.  
[21st March, 1918.]  
Be it enacted, &c.:

1. *Secretary of the Overseas Trade Department.*—(1) Notwithstanding anything in any Act it shall be lawful for the Board of Trade and the Secretary of State for Foreign Affairs jointly to appoint a Secretary called the Secretary of the Department of Overseas Trade (Development and Intelligence), who shall discharge the functions both of a parliamentary secretary to the Board and a parliamentary under-secretary to the Secretary of State.

(2) There shall be paid to the Secretary so appointed, out of moneys provided by Parliament, such remuneration as may be fixed by the Treasury, not exceeding two thousand pounds per annum.

(3) The office of the Secretary so appointed shall not render the holder thereof incapable of being elected to, or sitting or voting as a member of, the Commons House of Parliament.

(4) The power of appointment conferred by this section shall be in addition to any existing powers of the Board and the Secretary of State in relation to the appointment of secretaries.

2. *Short title.*—This Act may be cited as the Overseas Trade Department (Secretary) Act, 1918.

## CHAPTER 5.

### THE MILITARY SERVICE (No. 2) ACT, 1918.

An Act to make further provision with respect to Military Service during the present war.  
[18th April, 1918.]

Be it enacted, etc.:

1. *Extension of obligation to Military Service.*—(1) Every male British subject who has, at any time since the fourteenth day of August nineteen hundred and fifteen, been, or who for the time being is, in Great Britain, and who at the date of the passing of this Act has attained the age of eighteen years and has not attained the age of fifty-one years, or who at any subsequent date attains the age of eighteen years, shall, unless he is for the time being within the exceptions set out in the First Schedule to this Act, be deemed, as from the date of the passing of this Act, or as from that subsequent date, or, if having been within those exceptions he subsequently ceases so to be, as from the date on which he so ceases, as the case may be, to have been duly enlisted in His Majesty's regular forces for general service with the colours or in the

reserve for the period of the war, and to have been forthwith transferred to the reserve:

Provided that—

(a) if it appears to His Majesty at any time that it is necessary so to do for the defence of the realm, His Majesty may by Order in Council declare that the foregoing provision shall, as respects men generally, or as respects any class of men, have effect, as from a date to be specified in the Order, as if any age specified in the Order not exceeding fifty-six years were therein substituted for the age of fifty-one years, but where it is proposed to make any such Order as aforesaid, a draft of the Order shall be presented to each House of Parliament, and the draft Order shall not be submitted to His Majesty in Council unless each House presents an Address to His Majesty praying that the Order may be made; and

(b) as respects any person being a duly qualified medical practitioner, the foregoing provision shall have effect as if the age of fifty-six years were therein substituted for the age of fifty-one years.

(2) The proviso to section two, and section eight, of the Military Service Act, 1916 (Session 2) [6 & 7 Geo. 5. c. 15], shall cease to have effect:

Provided that the foregoing provision shall be without prejudice to any undertaking recognised by His Majesty's Government and for the time being in force, whereby it is provided that any released or exchanged prisoners of war shall not serve in His Majesty's Forces during the present war.

(3) All the provisions of the Military Service Acts, 1916 to 1918, as amended by this Act, shall, so far as applicable, extend to men to whom this section applies in the same manner as to men to whom section one of the Military Service Act, 1916 (Session 2), applied.

2. *Power by Order in Council to apply Act to Ireland.*—His Majesty may by Order in Council extend this Act to Ireland, and this Act if so extended shall, subject to such modifications and adaptations as may be made by the Order for the purpose of making it applicable to Ireland, have effect accordingly.

An Order in Council under this section may, as respects the civil court before which proceedings in respect of any offence punishable on summary conviction under the Reserve Forces Act, 1882 to 1907, the Army Act, the Military Service Acts, 1916 to 1918, or this Act, or any orders or regulations made thereunder, are to be brought in Ireland—

(a) make special provision with respect to the constitution of the court; or

(b) assign any such proceedings to such civil court or courts as may be specified in the Order.

3. *Power by proclamation to withdraw certificates of exemption in case of national emergency.*—(1) His Majesty may, by proclamation declaring that a national emergency has arisen, direct that any certificates of exemption, other than certificates expressed to be granted or renewed solely on the ground specified in paragraph (c) or on the ground specified in paragraph (d) of subsection (1) of section two of the Military Service Act, 1916 [5 & 6 Geo. 5. c. 104], granted or renewed to any class or body of men specified in the proclamation, or to men of any class or description so specified shall, as from the date specified in the proclamation, cease to have effect, and all certificates to which the proclamation applies shall as from that date cease to be in force.

(2) While any such proclamation remains in operation no application shall, except in so far as the proclamation provides for the making of applications in any special cases, be entertained for the grant or renewal of any certificate to which the proclamation applies, or for the grant of any certificate to which the proclamation would have applied

if the certificate had been in existence at the date when the proclamation came into operation, and if any application for the grant or renewal of any such certificate is pending at that date, it shall be deemed not to have been made.

4. *Provisions as to applications for certificates of exemption and as to calling up.*—(1) The Local Government Board or, as respects Scotland, the Secretary for Scotland, may make regulations for any of the following purposes:—

(a) For providing for applications for or relating to certificates of exemption (including appeals) being made to such tribunals, constituted in such manner and for such areas, as may be authorized by the regulations, and for authorizing tribunals to act by committees or panels constituted in such manner as may be provided by the regulations;

(b) For establishing special tribunals, committees, or panels for dealing with particular classes of cases;

(c) For regulating and limiting the making of such applications as aforesaid and the grant, renewal, variation, or withdrawal of certificates;

(d) For providing for any other matters for which it may be necessary to make provision in order to secure the expeditious making and disposal of such applications and for any other matter for which provision may be made under paragraph five of the Second Schedule to the Military Service Act, 1916.

Any regulations made under this sub-section shall have full effect notwithstanding anything in the provisions of the Military Service Act, 1916 to 1918, and those provisions, so far as they are inconsistent with any regulations so made, shall be repealed:

Provided that nothing in this section shall authorize the making of regulations for altering the terms of paragraphs (a), (b), (c) or (d) of sub-section (1) of section two of the Military Service Act, 1916.

(2) If any person, with a view to preventing, hindering, or postponing—

(a) the calling up of himself or any other person for any form of military service or for any medical examination as to his fitness therefor; or

(b) the operation of any notice duly given for the purpose of so calling up any person;

or otherwise in connection with any proceedings before any tribunal or other body established for the purpose of dealing with applications for or relating to certificates of exemptions, makes or connives at the making of any statement, whether oral or in writing, which is false or misleading in any material particular, he shall be liable on summary conviction to imprisonment for a term not exceeding six months with or without hard labour.

(3) If any question arises in any legal proceedings under the Reserve Forces Act, 1882 to 1907, or any orders or regulations made thereunder whether any certificate of exemption has been withdrawn or has otherwise ceased to be in force, the court may require the holder of the certificate to give evidence on the question, and if satisfactory evidence is not given to the contrary the certificate shall be deemed to have been withdrawn or to have otherwise ceased to be in force.

(4) It shall be the duty of any man holding a certificate of exemption, if the certificate has been withdrawn or has ceased to be in force or if, in the case of a conditional certificate, the conditions on which the certificate was granted are no longer satisfied, forthwith to transmit the certificate to the local office of the Ministry of National Service for the area in which the man is registered under the National Registration Act, 1915 and 1918, with a notification that the certificate has been withdrawn or ceased to be in force, or that the conditions are no longer satisfied, as the case may be; and if he fails without reasonable cause or excuse to do so he shall be liable on summary conviction to a fine not exceeding fifty pounds.

(5) A man who holds a certificate of exemption (other than a certificate of exemption from combatant service only), or in respect of whom an application has been duly made for the grant or renewal of a certificate of exemption, shall not be liable for service with the colours while the certificate is in force or until the application has been disposed of, as the case may be, but notices served for the purposes of the Reserve Forces Act, 1882 to 1907, shall not be deemed to be invalid on the ground only that they were served before any such man became liable for service, and any such man may at any time be required to present himself for medical examination or re-examination.

(6) Every person to whom a certificate of exemption shall be granted by a tribunal after the thirtieth day of April, nineteen hundred and eighteen, shall, unless the tribunal by which the certificate is granted otherwise direct, be liable on being so required in such manner as may be prescribed by Order in Council to join the Volunteer Force and remain a member of that Force for the period during which the certificate remains in force, and shall, during that period, attend such drills, undergo such training and undertake such military duties as may be so prescribed.

5. *Amendment of 7 & 8 Geo. 5, c. 26.*—The Military Service (Conventions with Allied States) Act, 1917, shall have effect as if for references to the Military Service Act, 1916, and to the Military Service Act, 1916 and 1917, there were substituted references to the Military Service Act, 1916 to 1918, and this Act, and, in the event of this Act being extended to Ireland, as if for the reference to Great Britain there were substituted a reference to the United Kingdom, and the Military Service (Conventions with Allied States) Act, 1917, shall apply accord-

ingly, subject to the modifications aforesaid and to such other modifications as may be prescribed by Order in Council made under this Act.

6. *Power to revoke or vary Orders in Council or proclamations.*—Any Order in Council or proclamation made under this Act may be revoked or varied by any subsequent Order in Council or proclamation made in the like manner and subject to the like conditions.

7. *Presentation of Orders in Council and proclamations to both Houses of Parliament.*—Every Order in Council made under this Act other than an Order in Council made in pursuance of section one thereof, and every proclamation so made, shall be laid before each House of Parliament forthwith, and if an Address is presented to His Majesty by either House of Parliament, within fourteen days after the Order or proclamation is laid before it, praying that the Order or proclamation may be annulled, His Majesty in Council may annul the Order or proclamation, and it shall thenceforth be void, but without prejudice to the validity of anything done thereunder.

8. *Short title, interpretation, and repeal.*—(1) This Act may be cited as the Military Service (No. 2) Act, 1918, and shall be construed as one with, and be included among, the Acts which may be cited as the Military Service Act, 1916 to 1918.

(2) In this Act, unless the context otherwise requires, the expression "certificate of exemption" means any certificate of exemption from military service granted or renewed, whether before or after the passing of the Act, to any man belonging to the Army Reserve.

(3) The enactments specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule:

Provided that, without prejudice to the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals, the repeal of the said enactments shall not affect any obligation whatsoever incurred by any man to whom section one of the Military Service Act, 1916, or section one of the Military Service Act, 1916 (Session 2), applied.

#### SCHEDULES.

##### FIRST SCHEDULE.

[Section 1 (1).]

##### EXCEPTIONS.

- Men ordinarily resident in His Majesty's Dominions abroad.
  - Members of His Majesty's regular or reserve forces, or of the forces raised by the Governments of His Majesty's Dominions, and members of the Territorial Force who are liable for foreign service.
  - Men serving in the Navy, the Royal Marines, or the Air Force.
  - (a) Disabled men who during the present war have served outside the British Islands or at sea, or who have served in the field or at sea in any previous war.  
(b) Disabled men who, though not having served as aforesaid, have during the present war served for not less than a week in any of His Majesty's forces (other than reserve forces), and men who, having been officially reported as wounded during the present war, have been discharged in consequence of the termination of their period of service, if in either case they are engaged in whole-time work which is for the time being certified by the Director-General of National Service to be of national importance.
  - (c) Disabled men, or men who have been medically rejected after offering themselves for enlistment, if on further medical examination after the fifth day of April nineteen hundred and seventeen in accordance with the regulations of the Army Council, or as respects an examination after the date on which the Ministry of National Service Order, 1917, came into force in accordance with the regulations of the Director-General of National Service, they have been certified to be totally and permanently unfit for any form of military service.
- In this paragraph the expression "disabled men" means men (including officers) who have left or been discharged from the naval, military, or air forces in consequence of disablement or ill-health.
- Men in holy orders or regular ministers of any religious denomination.

##### SECOND SCHEDULE.

[Section 8 (3).]

##### ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
5 & 6 Geo. 5, c. 104.	Military Service Act, 1916.	Sub-section (1) of section one; sub-sections (2) and (5) of section three; and the First Schedule.
6 & 7 Geo. 5, c. 15.	Military Service Act, 1916 (Session 2).	Section one; the proviso to section two; and section eight.
7 Geo. 5, c. 12.	Military Service (Review of Exceptions) Act, 1917.	The whole Act.
7 & 8 Geo. 5, c. 26.	Military Service (Conventions with Allied States) Act, 1917.	Paragraph (d) of sub-section (1) of section two.



# CHAPTER 4

## TRUSTEE SAVINGS BANKS ACT, 1918.

An Act to amend the Trustee Savings Banks Acts, 1863 to 1904, with respect to Special Investments and the Separate Surplus Fund.

[18th April, 1918.]

Be it enacted, &c. :-

**1. Control of National Debt Commissioners over special investments business.]**—(1) Every trustee savings bank which carries on the business of making special investments shall so far as respects that business be subject to the control of the National Debt Commissioners and shall comply with any directions which may from time to time be given by the Commissioners with respect to that business.

If a bank to which any such directions are given neglects or refuses to comply therewith, the Commissioners may themselves take the necessary steps for giving effect thereto, and for that purpose may do all such things and exercise all such powers as may be done and exercised by the trustees, managers, and other officers of the bank.

(2) Without prejudice to the general power of control hereinbefore given to the Commissioners, the following provisions shall have effect with respect to the special investments business of a trustee savings bank :-

(a) No money received for investment shall be invested, and no securities held on account of special investments shall be sold, except with the approval of the Commissioners :

(b) No change shall be made in the rate of interest allowed to depositors in respect of special investments except with the approval of the Commissioners :

(c) The amount to be expended by the bank for expenses of management on account of the special investments business shall not exceed such an amount as may be allowed by the Commissioners :

(d) No money received for investment shall be invested except so as to become repayable not later than the expiration of one year, or, if the money is invested in Government securities, three years, from the date of the investment, or so as to be repayable on six months' or some shorter notice :

(e) There shall be transmitted to the Commissioners, together with the statement required to be transmitted to them under section fifty-five of the Trustee Savings Banks Act, 1863 [26 & 27 Vict. c. 87], a valuation of the securities held by the bank on account of special investments, and for the purpose of the valuation the value of those securities shall be calculated according to the current market price at the date of the valuation, or, in the case of securities for which there is at that date no current market price, shall be taken to be such an amount as the Commissioners shall fix, having regard to the date of repayment of, and to the rate of interest payable in respect of, the securities.

**2. Establishment of guarantee fund to meet deficiencies on special investments accounts.]**—(1) For the purpose of providing for any deficiency which may arise in respect of special investments made by trustee savings banks, there shall be established a guarantee fund under the control of the Commissioners.

(2) The guarantee fund shall consist of—

(a) The reserves both in respect of general business and of special investments of all trustee savings banks which make special investments; and

(b) Such part of the separate surplus fund as stands to the credit of closed trustee savings banks; and for the purpose aforesaid the reserves of every such trustee savings bank shall be at the disposal of the Commissioners, and the bank shall comply with any directions given by the Commissioners with respect to those reserves for the purpose of giving effect to the provisions of this section.

(3) If on any valuation of the assets belonging to any bank on account of special investments it appears that there is a deficiency, that deficiency shall, in the event of the bank being closed or wound up, or discontinuing, with the consent of the Commissioners, the business of making special investments, be a charge on and be made good out of the guarantee fund, as follows :-

(a) Recourse shall be had in the first instance to the amount standing to the credit of the guarantee fund in respect of the reserves of the bank in question and, so far as that amount is insufficient for the purpose, to the amount standing to the credit of the guarantee fund in respect of the reserves of other banks and to the part of the separate surplus fund standing to the credit of the guarantee fund *pari passu*; and

(b) As between the reserves of a bank in connection with special investments and the reserves of a bank in connection with its general business, recourse shall be had in the first instance to the reserves in connection with special investments, and as between the banks other than the bank in connection with whose account the deficiency has arisen the amount falling to be charged on the reserves of those banks shall be allocated *pro rata* to those reserves according to their several amounts.

(4) So much of paragraph (e) of section ten of the Savings Banks Act, 1891 [54 & 55 Vict. c. 21], as enacts that the assets of a bank in respect of ordinary deposits are not to be liable for any loss or deficiency in respect of special investments shall cease to have effect so far as relates to such assets of the bank as are reserves within the meaning of this Act.

**3. Interest on separate surplus fund.]**—The amount standing to the credit of a trustee savings bank in the separate surplus fund which accrued before the commencement of the Savings Banks Act, 1880 [43 & 44 Vict. c. 36], shall, as from the twentieth day of November, nineteen hundred and seventeen, carry interest at the same rate and in the same manner as any other sums standing to the credit of the bank.

(2) Section 4 of the Savings Banks Act, 1891 (which provides for the expenses of the Inspection Committee), shall have effect as if the words "so much of the separate surplus fund which has accrued under section twenty-nine of the Savings Banks Act, 1863, as stands to the credit of closed trustee savings banks" were substituted for the words "the separate surplus fund which has accrued under section twenty-nine of the Savings Banks Act, 1863, and which does not carry interest to the trustees of savings banks."

**4. Interpretation.]**—In this Act—

The expression "trustee savings bank" means a bank certified under the Trustee Savings Banks Act, 1863 :

The expression "special investments" means any investments made in pursuance of section sixteen of the Trustee Savings Banks Act, 1863, but does not include any investment so made if the bank is not to be liable to repay to the depositor in cash the money received from him and applied in making the investment :

The expression "separate surplus fund" means the fund created pursuant to section twenty-nine of the Trustee Savings Banks Act, 1863 :

The expression "Commissioners" means the National Debt Commissioners :

The expression "reserves" means as respects any bank the whole of the assets of the bank, less the amount necessary to discharge in full all liabilities to depositors in the bank and outstanding management expenses.

**5. Extension to Channel Islands and the Isle of Man.]**—This Act shall extend to the Channel Islands and the Isle of Man, and the Royal Courts of the Channel Islands shall register the same.

**6. Short title and citation.]**—This Act may be cited as the Trustee Savings Banks Act, 1918, and may be cited with the Trustee Savings Banks Acts, 1863 to 1904.

[For Chapter 5 see p. 47.]

# CHAPTER 6.

## ARMY (ANNUAL) ACT, 1918.

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army.

[30th April, 1918.]

[Preamble.]

Be it enacted, &c. :-

**1. Short title.]**—This Act may be cited as the Army (Annual) Act, 1918.

**2. Army Act to be in force for specified times.]**—(1) The Army Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament (that is to say) :-

(a) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April one thousand nine hundred and eighteen to the thirtieth day of April one thousand nine hundred and nineteen, both inclusive; and

(b) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July one thousand nine hundred and eighteen to the thirty-first day of July one thousand nine hundred and nineteen, both inclusive.

(2) The Army Act, while in force, shall apply to persons subject to military law, whether within or without His Majesty's dominions.

(3) A person subject to military law shall not be exempted from the provisions of the Army Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the number hereinbefore mentioned.

**3. Prices in respect of billeting.]**—There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act the prices specified in the Schedule to this Act.

### AMENDMENTS OF THE ARMY ACT.

**4. Billeting of enrolled women.]**—During the continuance in force of an emergency Order by His Majesty under section one hundred and eight of the Army Act women who are enrolled for employment by the Army Council shall be entitled to be billeted; and, accordingly, the following subsection shall be added at the end of that section :-

"(7) The provisions of this Act as to billeting shall, whilst any Order of His Majesty under this section is in force, apply to women who are enrolled for employment by the Army Council as they apply to soldiers; and for the purpose of those provisions as so applied officers of any troops with whom the women to be billeted are employed and the officer commanding those troops shall be deemed in relation to such women to be their officers and commanding officer; and if any such woman is guilty of an offence in relation to billeting mentioned in section thirty of this Act she shall be punishable on summary conviction in manner provided by subsection (2) of section one hundred and eleven of this Act."

**5. Amendment of s. 24 of Army Act.]**—In subsection (5) of section twenty-four of the Army Act the words "or other animal" shall be inserted after the word "horse."

6. *Amendment of s. 52 of Army Act.*—In subsection (1) of section fifty-two of the Army Act (which prescribes the oath to be administered to members of courts-martial) the following words shall be inserted after the words "and you do further swear that" where those words first occur:—

"except so far as may be permitted by instructions of the Army Council for the purpose of communicating the sentence to the accused,"

7. *Amendment of s. 133 of Army Act.*—(1) At the end of subsection (1) of section one hundred and thirty-three of the Army Act (which relates to military prisons and detention barracks) the following words shall be inserted:—

"and every building or part of a building set apart under the Air Force Act as an air-force prison or detention barrack, shall, unless the Secretary of State otherwise directs, be deemed to be a military prison or detention barrack within the meaning of this section."

(2) This section shall, notwithstanding anything in section fourteen of the Army (Annual) Act, 1904, come into operation both within the British Islands and elsewhere on the passing of this Act.

8. *Amendment of s. 140 of Army Act.*—Section one hundred and forty of the Army Act (which relates to deductions from ordinary pay) shall be amended as follows:—

"In subsection (2) the following shall be substituted for the words from 'So, however, that' to the end of the subsection:—

"So, however, that—

"(a) no person shall be treated as absent, imprisoned or detained, for the purposes aforesaid, unless the absence, imprisonment or detention has lasted six hours or upwards, except where the absence prevented the absentee from fulfilling any military duty which was thereby thrown on some other person;

"(b) a period of absence, imprisonment or detention which commences before and ends after midnight may be reckoned as a day;

"(c) the number of days shall be reckoned as from the time when the absence, imprisonment, or detention commences; and

"(d) no period of less than twenty-four hours shall be reckoned as more than one day."

9. *Amendment of s. 142 of Army Act.*—Section one hundred and forty-two of the Army Act (which relates to false oaths and personation) shall be amended as follows:—

(a) After the words "possession of the military authorities" where they occur in subsection (1) thereof there shall be inserted the words "or with respect to the grant of any relief, benefit, or advantage in connection with military service," and after the same words where they occur in subsection (3) thereof there shall be inserted the words "or to any relief, benefit, or advantage granted in connection with military service";

(b) For the words "such payment" in subsection (1) thereof there shall be substituted the words "such payment, delivery or grant";

(c) For the words "a particular man in" in subsection (2) thereof there shall be substituted the words "a particular man in or who has been in."

10. *Amendment of s. 145 of Army Act.*—Subsection (2) of section one hundred and forty-five of the Army Act (which relates to the liability of a soldier to maintain his wife and children) shall be amended as follows:—

The words from "succeeding" to the end of the subsection shall be omitted, and the following words shall be inserted instead thereof:—

"where the soldier is a warrant officer (Class I.) not holding an honorary commission—in respect of a wife or children one shilling and sevenpence, and in respect of a bastard child one shilling and one penny,

"where the soldier is a warrant officer (Class II.) not holding an honorary commission, or a non-commissioned officer who is not below the rank of sergeant—in respect of a wife or children one shilling and one penny, and in respect of a bastard child eightpence;

"in the case of any other soldier—in respect of a wife or children ninepence, and in respect of a bastard child sixpence."

11. *Amendment of s. 156 of Army Act.*—(1) Subsection (1) of section one hundred and fifty-six of the Army Act (which imposes a penalty on persons purchasing from soldiers regimental necessaries, equipments, stores, &c.) shall be amended as follows:—

The words from "in the case of the first offence" down to "in the case of a second offence" (both inclusive), and the words "not less than five pounds, and" shall be omitted, and at the end of the subsection there shall be added the words "or to both such fine and imprisonment."

(2) For subsection (9) of section one hundred and fifty-six of the Army Act, the following subsection shall be substituted:—

"(9) Every person who—

"(a) receives, detains or has in his possession any identity certificate, life certificate, or other certificate, or official document evidencing or issued in connection with the right of any person to a military pension, pay or reserve pay, or to any

bounty, allowance, gratuity, relief, benefit or advantage granted in connection with military service, as a pledge or security for a debt, or with a view to obtain payment from the person entitled thereto of a debt due either to himself or to any other person; or

"(b) without lawful authority or excuse (the proof whereof shall lie on the accused) has in his possession any such certificate or document, or any certificate of discharge or any other official document issued in connection with the mobilization or demobilization of any of His Majesty's forces or any member thereof, shall be liable on summary conviction to the like penalty as for an offence under subsection (1) of this section, and any such certificate or other document shall be deemed to be property within the meaning of this section."

12. *Amendment of s. 163 (1) of the Army Act.*—(1) The following paragraph shall be added at the end of subsection (1) of section one hundred and sixty-three of the Army Act:—

"(k) Any document which would have been admissible in any proceeding under the Air Force Act by virtue of section one hundred and sixty-three of that Act shall in like manner and for the same purpose be admissible in evidence under this Act."

(2) This section shall, notwithstanding anything in section fourteen of the Army (Annual) Act, 1904, come into operation both within the British Isles and elsewhere on the passing of this Act.

13. *Amendment of s. 179a of the Army Act.*—At the beginning of section one hundred and seventy-nine a of the Army Act the following subsection shall be inserted:—

(1) The Army Council may direct from time to time that any officers or soldiers of the regular forces shall, under such conditions as may be prescribed by regulations made by the Army Council and the Air Council, be temporarily attached to the Air Force.

#### SCHEDULE.

##### [Section 3.]

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where meals furnished.	Sixpence per night.
Breakfast as specified in Part I. of the Second Schedule to the Army Act.	Sixpence each.
Dinner as so specified . . . . .	One shilling and two-pence each.
Supper as so specified . . . . .	Fourpence.
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Sixpence per day.
Stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	Two shillings and fourpence per day.
Stable room without forage . . . . .	Sixpence per day.
Lodging and attendance for officer . . . . .	Two shillings per night.

*Note.*—An officer shall pay for his food.

#### CHAPTER 7.

##### INCREASE OF RENT, &c. (AMENDMENT), ACT, 1918.

An Act to restrict the meaning of the expression landlord in subsection (3) of section one of the Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915.

[2nd May, 1918.]

Be it enacted, &c.:—

1. *Restriction of meaning of landlord in 5 & 6 Geo. 5, c. 97, s. 1 (3).*—Subsection (3) of section one of the Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915, shall have effect as if at the end thereof the following provision was inserted:—

"For the purposes of this subsection the expression 'landlord' shall not include any person who since the thirtieth day of September nineteen hundred and seventeen has become landlord by the acquisition of the dwelling-house or any interest therein otherwise than by the devolution thereof to him under a settlement made before the said date, or under a testamentary disposition or an intestacy."

and the provisions of the said subsection, with respect to orders made but not executed before the passing of that Act, shall apply to orders made but not executed before the passing of this Act, as if this Act had been substituted for that Act in the said subsection:

Provided that this enactment shall not apply in any case where the court is satisfied by certificate given by or on behalf of the Board of Agriculture and Fisheries (or as regards premises in Scotland by the Board of Agriculture for Scotland, or in Ireland the Department of Agriculture and Technical Instruction for Ireland) that the premises in question are required for the occupation of a person engaged or employed in agricultural work of urgent national importance.

2. *Short title.*—This Act may be cited as the Increase of Rent, &c. (Amendment) Act, 1918.



8 & 9 GEO. 5.

CHAPTER 8.

WORKMEN'S COMPENSATION (ILLEGAL EMPLOYMENT)  
ACT, 1918.

An Act to amend the Workmen's Compensation Act, 1906, with respect to persons suffering injury while working under an illegal contract.

[16th May, 1918.]

Be it enacted, &c. :-

1. *Power of arbitrator to allow claim for compensation in certain cases of illegal employment.*—If on any proceedings for the recovery under the Workmen's Compensation Act, 1906 [6 Ed. 7, c. 58], of compensation for an injury, it appears to the arbitrator that the contract of service or apprenticeship under which the injured person was working at the time when the accident causing the injury happened was illegal, the arbitrator may, if, having regard to all the circumstances of the case, he thinks it proper so to do, deal with the matter as if the injured person had at the time aforesaid been a person working under a valid contract of service or apprenticeship.

In this section the expression "arbitrator" includes any person by whom a claim for compensation is to be settled in accordance with the provisions of the Second Schedule to the said Act.

2. *Short title and construction.*—This Act may be cited as the Workmen's Compensation (Illegal Employment) Act, 1918, and shall be construed as one with the Workmen's Compensation Act, 1906.

CHAPTER 9.

DEFENCE OF THE REALM (FOOD PROFITS) ACT, 1918.

An Act to provide for the forfeiture to His Majesty of double the amount received from the sale of goods at prices in excess of those allowed by the Food Controller.

[16th May, 1918.]

Be it enacted, &c. :-

1. *Forfeiture of excess profits from overcharging for food.*—(1) Where a person has, after the passing of this Act, sold any goods at a price in excess of that allowed by or under any order made by the Food Controller in pursuance of the powers conferred on him by the Defence of the Realm Regulations, that person, in addition to any other penalty to which he may be liable, shall forfeit to His Majesty a sum equal to double the amount of such excess, and that sum shall be recoverable as a debt due to the Crown.

(2) In any proceedings in England or Ireland under this Act against any person in respect of any such sale as aforesaid, the court, if satisfied that there has been a breach by him of any order so made by the Food Controller, may order an account to be taken with respect to that sale, and with respect to any other sales by that person of any goods to which any such order applies, and may, upon such account being taken, direct the payment of double the amount of the excess thereby appearing to have been realised on the sales.

(3) In any proceedings in Scotland under this Act against any person in respect of any such sale as aforesaid, the court, if satisfied that there has been a breach by him of any order so made by the Food Controller, may proceed in like manner as if such proceedings were an action of count reckoning and payment concluding for production of an account of the aforesaid sale, and of any other sales by that person of any goods to which any such order applies, and for payment of double the amount of the excess thereby appearing to have been realised on the sales.

2. *Short title.*—This Act may be cited as the Defence of the Realm (Food Profits) Act, 1918.

CHAPTER 10.

POST OFFICE ACT, 1918.

An Act to alter the statutory limits of Postal Rates.

[16th May, 1918.]

Be it enacted, &c. :-

1. *Variation of statutory limits for certain rates of postage.*—Proviso (b) to subsection (1) of section two of the Post Office Act, 1908 [8 Ed. 7, c. 48] (which limits the rates of prepaid postage which may be fixed by the Treasury for certain classes of postal packets), shall have effect as though for the words "for an inland postcard shall not exceed one halfpenny" in paragraph (i) thereof there were substituted the words "for an inland postcard shall not exceed one penny," and as though for paragraph (ii) thereof there were substituted the following paragraph :-

"(ii) for an inland book packet shall not exceed—  
if the packet is not over one ounce in weight, one halfpenny;  
if the packet is over one ounce and not over two ounces in weight, one penny;  
if the packet is over two ounces in weight, one penny for the first two ounces, and one halfpenny for every two ounces or fractional part of two ounces over and above the first or any additional two ounces."

2. *Short title and citation.*—This Act may be cited as the Post Office Act, 1918, and may be cited with the Post Office Acts, 1908 to 1915.

CHAPTER 11.

CONSOLIDATED FUND (No. 2) ACT, 1918.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and nineteen.

[27th June, 1918.]

CHAPTER 12.

DEFENCE OF THE REALM (BEANS, PEAS, AND PULSE  
ORDERS) ACT, 1918.

An Act to give full effect to two Orders, relating to Beans, Peas, and Pulse, made by the Food Controller under the Defence of the Realm Regulations.

[27th June, 1918.]

Whereas in exercise of the powers conferred upon him by Regulation 2r of the Defence of the Realm Regulations, and of all other powers enabling him in that behalf, the Food Controller made on the first and sixteenth days of May nineteen hundred and seventeen, respectively, the two orders set forth in the Schedule to this Act:

And whereas at the dates when the said orders were respectively made, many of the original consignees of the beans, peas, and pulse to which the orders applied had parted with the property therein to other persons and were, therefore, not persons owning or having power to sell or dispose of the same:

And whereas it is expedient that the said orders should apply to all such original consignees:

Be it therefore enacted, &c. :-

1. *Application of orders to original consignees.*—The said orders shall apply to the original consignees of such beans, peas, and pulse as aforesaid, notwithstanding that at the date of the making of the order affecting any beans, peas, or pulse, such consignees thereof had parted with the property therein, and accordingly any contract under which the property in any such beans, peas, or pulse passed from the original consignees or from any persons deriving title under them to any other person, whether made before or after the respective dates of the said orders, shall be deemed to be and always to have been void and of no effect, and any documents of title relating to the said beans, peas, and pulse as aforesaid shall be delivered to the Food Controller, and any money paid under any such contract shall be repaid as if it had been paid for a consideration which had wholly failed.

2. *Short title.*—This Act may be cited as the Defence of the Realm (Beans, Peas, and Pulse Orders) Act, 1918.

SCHEDULE.

ORDERS OF FOOD CONTROLLER.

In exercise of the powers conferred upon him by the Defence of the Realm Regulations, and all other powers enabling him in that behalf, the Food Controller hereby orders as follows :-

(1) The original consignees of all Burmah peas and beans for which tonnage has been or may be engaged or allocated, and which have not arrived at the date of this order and which shall arrive in the United Kingdom, shall place and hold such peas and beans at the disposal of the Food Controller:

(2) The peas and beans are taken over by the Food Controller from the original consignees, at the price, for Rangoon hand-picked white beans, of 37l. per ton nett delivered weight in bags c.i.f. to the United Kingdom, including war risk with customary trade conditions as set out in the Burmah bean contract of the London Rice Brokers' Association. All other varieties of beans and the peas are taken over at corresponding prices but otherwise on the same terms:

(3) Except as otherwise determined by the Food Controller in any particular case, all contracts for sale of any such peas or beans made by the original consignees or any persons claiming under them are cancelled, and sellers and/or buyers are to stand released from all liability as to brokerage:

(4) The original consignees are required to furnish the Food Controller on or before the 7th May, 1917, with full particulars of tonnage engaged or allocated for Burmah peas or beans, and such other particulars as may from time to time be required:

(5) The expression "original consignees" shall mean the shipper or the person to whom the peas or beans have been or may be originally consigned.

DEVONPORT.

Food Controller.

1st May, 1917.

THE BEANS, PEAS, AND PULSE (REQUISITION) ORDER,  
1917, DATED 16TH MAY, 1917.

[The Order is printed 61 SOLICITORS' JOURNAL, 510.]

CHAPTER 13.

HORSE BREEDING ACT, 1918.

An Act to regulate the use of Stallions for Stud purposes.

[27th June, 1918.]

Be it enacted, &c. :-

1. *Restriction on travelling and exhibiting unlicensed stallions.*—Any person who after the appointed day, being the owner or having the control of a stallion of a prescribed age, travels it for service, or ex-

hibits it on any premises not in his occupation with a view to its use for service, or permits it to be so travelled or exhibited, shall be liable on summary conviction to a fine not exceeding twenty pounds unless the stallion is at the time licensed under this Act.

**2. Licensing of stallions.**—(1) The Board of Agriculture and Fisheries (in this Act referred to as the Board) shall have power to grant, revoke and suspend licences for the purposes of this Act.

(2) The Board shall, on application being made in the prescribed manner, and on compliance with the prescribed conditions as to inspection and examination, grant to the owner of any stallion a licence in the prescribed form in respect of the stallion and also, if so requested, a certified copy thereof on payment of such fee (not exceeding one guinea) as may be prescribed:

Provided that the Board may refuse to grant a licence and may revoke or suspend a licence in respect of a stallion if it appears to the Board that the stallion—

- (a) is affected with any contagious or infectious disease;
- (b) is affected with any other disease or defect prescribed as a disease or defect rendering the stallion unsuitable for service of mares; or
- (c) has proved to be inadequately prolific; or
- (d) is calculated, if used for stud purposes, to injure the breed of horses by reason of its defective conformation or physique.

**3. Duration, transfer, and production of licence.**—(1) A licence, unless suspended or revoked by the Board, shall remain in force until the thirty-first day of October following the date of the grant of the licence, but shall be renewable annually, and the same provisions shall apply to the renewal of a licence as apply to the grant of a licence:

Provided that in the case of a stallion which has attained such age as may be prescribed, and in respect of which a licence has been in force for such number of years as may be prescribed, the renewal of the licence shall not be refused on the ground only of the stallion being affected in its wind.

(2) If a stallion in respect of which a licence is in force is sold or let for a period exceeding six months or if the ownership of the stallion is otherwise changed, the licence shall, on application to the Board, be transferred to the new owner by endorsement of the licence or otherwise, but unless so transferred a licence shall cease to be in force at the expiration of one month after the change of ownership.

(3) A licence granted under this Act or certified copy thereof shall be produced—

- (a) at the time of or before the service by the stallion of a mare, if so required by the owner or person in charge of the mare; and
- (b) at any time, if so required by an officer of the Board or a police officer or any person authorised by regulation under this Act; and if the person for the time being in charge of or having control of the stallion fails to produce the licence or certified copy when so required he and also the owner of the stallion if the failure is due to his default shall be liable on summary conviction to a fine not exceeding five pounds.

**4. Appeals from the Board.**—(1) If the Board refuse to grant a licence under this Act in respect of any stallion or revoke or suspend any such licence, the owner of the stallion shall be entitled on application made within the prescribed time, in the prescribed manner, and on payment of the prescribed fee (not exceeding five guineas) to have the stallion inspected and examined by such member or members of the panel of referees constituted under this section as may be selected by the Board, who shall report to the Board the result of the inspection and examination and the Board, after consideration thereof, shall confirm or vary the decision to which the application relates and such confirmation or variation shall be final:

Provided that no member of the panel who may previously have been employed either by the Board or by the applicant for the purpose of the inspection or examination of the stallion shall be selected.

(2) For the purposes of such inspections and examinations there shall be constituted a panel of referees consisting of such registered veterinary surgeons and other persons as may be appointed by the Board to be members of the panel after consultation with such horse-breeding societies as in the opinion of the Board are interested in such appointment.

(3) The fee payable on an application under this section shall, if the Board do not confirm the decision to which the application relates, be returned to the applicant by the Board.

(4) The charges of a referee in respect of an application shall be such as may be fixed by the Board and shall be paid by the Board.

**5. Duties of owners of licensed stallions.**—The owner of a stallion in respect of which a licence is in force under this Act shall—

- (a) give notice forthwith to the Board in the prescribed manner of any sale or letting or other change in the ownership of the stallion or of its castration or death; and
- (b) submit the stallion to inspection and examination by any person authorized in that behalf by the Board if and when required by the Board; and
- (c) return the licence and the certified copy (if any) to the Board forthwith on the expiration, revocation or suspension of the licence; and if he fails to comply with any of the requirements of this section he shall be liable on summary conviction to a fine not exceeding five pounds.

**6. Inspection of stallions.**—Any person duly authorized in writing by the Board in that behalf shall have power to inspect and examine

any stallion which is or which he has reason to believe has been travelled for service, or exhibited as aforesaid, and shall for the purposes of this Act have power to enter at all reasonable times any premises where he has reason to believe any stallion is kept, and if any person refuses to allow any person who is so authorized and who, if so required, produces his authority to inspect and examine any such stallion or to enter any premises which he is entitled to enter under this section or obstructs or impedes him in the exercise of his powers under this section, that person shall be liable on summary conviction to a fine not exceeding twenty pounds.

**7. Forgery and fraudulent use of licence.**—If any person forges or fraudulently alters or uses or permits to be fraudulently altered or used any licence or certified copy of a licence issued under this Act he shall be liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

**8. Burden of proof.**—In any proceedings under this Act for travelling for service or exhibiting a stallion or permitting a stallion to be so travelled or exhibited, the burden of proof that a licence under this Act in respect of the stallion was in force at the time that it was so travelled or exhibited shall lie on the person charged, and until the contrary is proved it shall be assumed that no licence was then in force.

**9. Power to make rules.**—The Board may make rules (subject in respect of fees to the approval of the Treasury) for prescribing anything which under this Act is to be prescribed and generally for carrying this Act into effect.

**10. Stallions on commons and in the New Forest.**—Where any regulations made under the Commons Act, 1908 [8 Ed. 7, c. 44], or any other Act includes amongst the conditions under which stallions may be upon any common or in the New Forest a requirement that they shall be licensed by the Board, the Board shall have power to grant licences for the purpose, and the provisions of this Act shall apply in respect of the grant, revocation and suspension of such licences and the licences so granted in like manner as they apply in respect of the grant, revocation and suspension of licences for the purposes of this Act, and of licences granted for those purposes.

**11. Expenses and fines.**—(1) The expenses of the Board under this Act to such amount as may be approved by the Treasury and so far as not covered by receipts under this Act shall be defrayed out of moneys provided by Parliament.

(2) All fines recoverable under this Act by the Board or an officer of the Board, shall, notwithstanding anything in any other Act, be paid to the Board and the amount so recovered and all other sums received under this Act by the Board shall be applied by them towards payment of their expenses under this Act.

(3) The amount of the expenses under this Act defrayed out of moneys provided by Parliament shall not exceed twenty thousand pounds in any financial year.

**12. Interpretation.**—In this Act, unless the context otherwise requires, the expression "owner" in relation to a stallion means the person to whom for the time being the stallion belongs whether absolutely or as lessee; the expression "appointed day" means such day not earlier than the first day of January nineteen hundred and twenty as may be appointed by the Board; the expression "certified" means certified in the prescribed manner; and the expression "prescribed" means prescribed by rules made under this Act.

**13. Application to Scotland.**—This Act, except section ten, and subsection (2) of section eleven, shall apply to Scotland with the substitution of the Board of Agriculture for Scotland for the Board of Agriculture and Fisheries.

**14. Application to Ireland.**—This Act shall apply to Ireland and shall have effect, subject to the following modifications, namely:—

(1) References to the Board of Agriculture and Fisheries, or to the Board, shall be construed as references to the Department of Agriculture and Technical Instruction for Ireland, in this section referred to as the Department.

(2) The following section shall be substituted for section one:—

"(1) Any person who after the appointed day being the owner or having the control of a stallion of a prescribed age uses it or permits it to be used for stud purposes, shall be liable on summary conviction to a fine not exceeding twenty pounds, unless the stallion when so used is licensed under this Act.

"(2) This section shall not apply to the use for stud purposes of—

"(a) a stallion entered in any prescribed stud-book if used for the service of none but mares so entered or mares approved by the Department; or

"(b) a stallion belonging exclusively to one individual if used for the service of none but mares belonging exclusively to that individual."

(3) The power of inspecting and examining stallions shall extend so as to authorize the inspection and examination of any stallion, whether there is, or is not, reason to believe that the stallion has been travelled for service or exhibited:

(4) In the provisions as to burden of proof, references to using, or permitting to be used, for stud purposes, shall be substituted for the references to travelling for service, or exhibiting, or permitting to be so travelled or exhibited, and a reference to the time when the stallion was so used shall be substituted for the reference to the time when the stallion was so travelled or exhibited:



(5) The panel of referees shall consist of such registered veterinary surgeons or other persons as may be appointed by the Lord Lieutenant.

15. *Short title.*—This Act may be cited as the Horse Breeding Act, 1918.

## CHAPTER 14.

### WORKMEN'S COMPENSATION (SILICOSIS) ACT, 1918

An Act to provide for the payment of compensation in the case of workmen who suffer death or disablement or are suspended from employment owing to the disease known as fibroid phthisis or silicosis of the lungs. [30th July, 1918.]

Be it enacted, &c. :—

1. *Scheme for compensation to workmen.*—(1) The Secretary of State may by scheme provide for the payment of compensation by the employers of workmen in any specified industry or process or group of industries or processes involving exposure to silica dust :—

(a) who are certified in such manner as may be prescribed by the scheme to have suffered death or total disablement from the disease known as fibroid phthisis or silicosis of the lungs (in this Act referred to as silicosis) or from that disease accompanied by tuberculosis; or

(b) who, though not totally disabled, are found on medical examination to be suffering from silicosis, or from silicosis accompanied by tuberculosis, to such a degree as to make it dangerous to continue work in the industry or process, and are for that reason suspended from employment :

Provided that in the case of silicosis accompanied by tuberculosis provision shall not be made by the scheme for the payment of compensation unless the silicosis was so far advanced as to make the workman specially liable to tuberculosis infection or, though not so far advanced, was likely to accelerate materially the progress of the disease.

(2) The scale of compensation fixed by the scheme in the case of death or total disablement due to silicosis unaccompanied by tuberculosis shall be that prescribed by the Workmen's Compensation Act, 1906 [6 Ed. 7, c. 58], as amended by any subsequent enactment, and in any other case shall be such as may be prescribed by the scheme.

(3) Provision may be made by the scheme—

(a) for the establishment of a general compensation fund, to be administered either through a mutual trade insurance company or society of employers, or in such other manner as may be provided by the scheme;

(b) for requiring employers to subscribe to the fund, and for the recovery of such subscriptions, and for the payment and recovery out of a fund of all compensation under the scheme, and of any expenses arising under the scheme which are directed by the scheme to be so paid, subject to such exceptions in special cases as may be made by the scheme;

(c) for the settlement of claims and other matters arising under the scheme by committees representative of both employers and workmen, with an independent chairman, and for the procedure to be adopted before such committees;

(d) for the appointment and remuneration of medical officers and advisory medical bodies, and for their duties and powers in connection with the scheme;

(e) for requiring workmen to whom the scheme applies (i) to submit themselves to such periodical medical examination, and (ii) to furnish such information with respect to their previous employment in any industry specified in the scheme, as involving exposure to silica dust, as may be prescribed by the scheme, and for making the right of the workmen to compensation conditional on compliance with such requirements, and for the suspension from employment of workmen who are found to be suffering from silicosis, or from silicosis accompanied by tuberculosis; and

(f) for the application with the necessary modifications of any of the provisions of the Workmen's Compensation Act, 1906, or of any enactment relating to compensation thereunder, and for defining the industries or processes to which the scheme applies, and generally for such further or supplemental matters as appear necessary for giving full effect to the scheme.

(4) Any scheme made under this Act may be extended or varied by any subsequent scheme made in the like manner, and shall have effect as if enacted in this Act, but any scheme made under this Act shall be laid before each House of Parliament forthwith, and, if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House sits next after any such scheme is laid before it praying that the scheme may be annulled, His Majesty in Council may annul the scheme, and it shall thereupon be void, but without prejudice to the validity of anything done thereunder.

(5) The Rules Publication Act, 1893 [56 & 57 Vict. c. 66], shall not apply to any scheme made under this Act.

2. *Short title.*—This Act may be cited as the Workmen's Compensation (Silicosis) Act, 1918.

## CHAPTER 15.

### FINANCE ACT, 1918.

An Act to grant certain duties of Customs and Inland Revenue (including Excise), to alter other duties, and to amend the Law relating to Customs and Inland Revenue (including Excise) and the National Debt, and to make further provision in connection with Finance.

[30th July, 1918.]

Be it enacted, &c. :—

#### PART I.

##### CUSTOMS AND EXCISE.

1. *Continuation of Customs duties imposed under 5 & 6 Geo. 5, c. 89.*—The following duties of Customs, imposed by Part I. of the Finance (No. 2) Act, 1915, shall continue to be charged, levied and paid until the first day of August nineteen hundred and nineteen, that is to say :—

Duty.	Section of Act.
Increased duty on tea	1
Additional duties on dried fruit	8
Additional duty on motor spirit	10 (1)
New import duties	12

2. *Continuation of temporary Excise duties imposed under 5 & 6 Geo. 5, c. 89.*—The following duties of Excise, imposed by Part I. of the Finance (No. 2) Act, 1915, shall continue to be charged, levied and paid until the first day of August nineteen hundred and nineteen, that is to say :—

Duty.	Section of Act.
Additional duty on motor spirit	10 (2)
Additional medicine duties	11

3. *Increased duties on spirits.*—(1) In lieu of the duties of Customs payable on spirits imported into Great Britain or Ireland, there shall, as from the twenty-third of April, nineteen hundred and eighteen, be charged, levied, and paid, subject as hereinafter provided, the duties specified in Part I. of the First Schedule to this Act, together with the additional duties specified in Part II. of that Schedule.

(2) In lieu of the Excise duty payable for every gallon computed at proof of spirits distilled in Great Britain or Ireland there shall, as from the twenty-third day of April, nineteen hundred and eighteen, be charged, levied, and paid, an Excise duty of one pound and ten shillings, together with the additional duties specified in Part III. of the First Schedule to this Act.

And so in proportion for any less quantity.

4. *Reduction and allowance of duty in respect of spirits used in medical preparations or for scientific purposes.*—(1) In the case of any mixture, compound or preparation which, on importation, is charged with duty in respect of the spirits contained in it, or used in its preparation or manufacture, the duties specified in Part I. of the First Schedule to this Act shall be reduced by the sum of fifteen shillings and three pence, or if the mixture, compound, or preparation is entered in such a manner as to indicate that the strength is not to be tested by the sum of one pound and sixpence, and the additional duty specified in Part II. of that Schedule shall not be charged, if the mixture, compound, or preparation is one which is recognised by the Commissioners of Customs and Excise as being used for medical purposes.

(2) If any person proves to the satisfaction of the Commissioners of Customs and Excise that any spirits in respect of which the duties imposed by this Act have been paid have been delivered to him and used solely in the manufacture or preparation of any article recognised by the Commissioners as being used for medical purposes, or have been used for scientific purposes, he shall, subject to such regulations as the Commissioners of Customs and Excise may prescribe, be entitled to obtain from the Commissioners repayment of the sum of fifteen shillings and threepence in respect of every gallon computed at proof of spirits so used, and shall also, if he proves to the satisfaction of the Commissioners that the spirits so used were spirits to which the restrictions contained in the Immature Spirits (Restriction) Act, 1915 [5 & 6 Geo. 5, c. 46], did not apply, be entitled to obtain from the Commissioners repayment of the amount of the additional duty in respect of immature spirits (if any) paid under this Act in respect of the spirits.

(3) Regulations made under this section may provide that a person shall not be entitled to claim repayment unless he has kept such books and taken such account of stock as may be prescribed by the regulations, and may apply to any such person any of the enactments relating to any duty of customs or excise and to persons carrying on any trade subject to the laws of Excise, and may contain such other provisions as the Commissioners of Customs and Excise may consider necessary for the protection of the revenue.

(4) If any person contravenes or fails to comply with the regulations made by the Commissioners under this section, or if any person for the purpose of obtaining any repayment of duty under this section or in connection with any application for any such repayment, makes

any false statement or false representation, he shall in respect of each offence be liable to an Excise penalty of five hundred pounds.

**5. Increased Customs duties on beer.**—(1) In lieu of the duties of Customs payable on beer of the descriptions called or similar to mum, spruce or black beer, or Berlin white beer, or other preparations, whether fermented or not fermented, of a similar character, imported into Great Britain or Ireland, there shall, as from the twenty-third day of April nineteen hundred and eighteen, be charged, levied, and paid the following duties (that is to say):—

For every thirty-six gallons of beer where the worts thereof are, or were before fermentation, of a specific gravity—	£ s. d.
Not exceeding one thousand two hundred and fifteen degrees	10 2 0
Exceeding one thousand two hundred and fifteen degrees	11 16 8

(2) In lieu of the duties of Customs payable on every description of beer other than that specified in the preceding subsection imported into Great Britain or Ireland, there shall, as from the twenty-third day of April nineteen hundred and eighteen, be charged, levied, and paid the following duty (that is to say):—

For every thirty-six gallons where the worts thereof were before fermentation of a specific gravity of one thousand and fifty-five degrees	£ s. d.
	2 10 5

(3) In lieu of the Customs drawback now payable there shall be allowed and paid on the exportation, shipment for use as stores, or removal to the Isle of Man, of beer imported into Great Britain or Ireland, on which it is shown that the increased Customs duty charged by this Act has been paid, a drawback calculated according to the original gravity thereof (that is to say):—

For every thirty-six gallons of an original gravity of one thousand and fifty-five degrees the drawback of	£ s. d.
	2 10 3

(4) In the case of beer which is of a gravity different from the gravity aforesaid, the duty or the drawback, as the case may be, shall be varied proportionately.

**6. Increased Excise duty on beer.**—In lieu of the duty of Excise payable in respect of beer brewed in the United Kingdom there shall, as from the twenty-third day of April nineteen hundred and eighteen, be charged, levied, and paid—

For every thirty-six gallons of worts of a specific gravity of one thousand and fifty-five degrees, the duty of 2 10 0 and in lieu of the drawback of Excise payable in respect of beer exported from the United Kingdom as merchandise or shipped for use as ship's stores, there shall be allowed and paid in respect of beer on which it is shown that the increased Excise duty charged by this Act has been paid a drawback calculated according to the original gravity thereof (that is to say):—

For every thirty-six gallons of beer of an original gravity of one thousand and fifty-five degrees, the drawback of 2 10 3 and so as to both duty and drawback in proportion for any difference in quantity or gravity.

**7. Duties and drawbacks on tobacco.**—(1) In lieu of the duties of Customs payable on tobacco there shall, as from the twenty-third day of April nineteen hundred and eighteen, be charged, levied and paid upon tobacco imported into Great Britain or Ireland, the duties specified in Part I. of the Second Schedule to this Act.

(2) In lieu of the Excise duties payable on tobacco grown in Great Britain or Ireland there shall, as from the twenty-third day of April nineteen hundred and eighteen, be charged, levied and paid on tobacco grown in Great Britain or Ireland the duties specified in Part II. of the Second Schedule to this Act.

(3) Drawback allowed under section one of the Manufactured Tobacco Act, 1863 [26 & 27 Vict. c. 7], as extended or amended by any subsequent Act on tobacco exported from Great Britain or Ireland or deposited in a bonded or King's warehouse shall, in cases where it is shown that the increased duties imposed by this section have been paid, be allowed at the rates set out in Part III. of the Second Schedule to this Act, instead of at the rates set out in the First Schedule to the Finance Act, 1917 [7 & 8 Geo. 5, c. 31], but subject to the provisions affecting allowance or drawback contained in the Schedule to the Finance Act, 1904 [4 Ed. 7, c. 7].

(4) So much of section one of the Manufactured Tobacco Act, 1863, as provides that drawback is not to be allowed on any tobacco unless the tobacco stalks therein contained have been fairly cut in the same with portions of the lamina of the leaf adhering thereto, and section thirteen of the Tobacco Act, 1904 [3 & 4 Vict. c. 18], shall cease to have effect.

**8. Increased Customs duties on sugar.**—In lieu of the present Customs duties, drawbacks, and allowance in respect of sugar, molasses, glucose, and saccharin there shall, as from the twenty-third day of April nineteen hundred and eighteen, be charged, levied and paid the duties specified in the first column of Part I. of the Third Schedule to this Act, and there shall be paid and allowed the drawbacks and allowance set out in Part II. of that Schedule.

**9. Increased Excise duties on sugar.**—(1) In lieu of the present Excise duties, drawbacks, and allowance in respect of sugar, molasses,

glucose, and saccharin there shall as from the twenty-third day of April nineteen hundred and eighteen be charged, levied, and paid the duties specified in the second column of Part I. of the Third Schedule to this Act, and there shall be paid and allowed the drawbacks and allowance set out in Part II. of that Schedule.

(2) The provisions of Part III. of the First Schedule to the Finance (No. 2) Act, 1915, shall apply to the Excise duties under this section.

**10. Increased duties on matches.**—(1) In addition to the duties of Customs payable on matches imported into Great Britain or Ireland there shall, as from the twenty-third day of April, nineteen hundred and eighteen, be charged, levied, and paid an additional duty at the rate of one shilling and eightpence for every ten thousand matches so imported.

(2) In addition to the duties of Excise now payable on matches made in Great Britain or Ireland there shall, as from the twenty-third day of April, nineteen hundred and eighteen, be charged, levied, and paid an additional duty at the rate of one shilling and eightpence for every ten thousand matches so made, and so in proportion for any less quantity.

**11. Reduction in certain cases of entertainments duty.**—On and after the first day of August, nineteen hundred and eighteen, section one of the Finance (New Duties) Act, 1916 [6 & 7 Geo. 5, c. 11], as amended by section three of the Finance Act, 1917, shall have effect as if for the words—

"does not exceed 2d.	...	a halfpenny
exceeds 2d. and does not exceed 4d.	...	one penny
" 4d. "	6d.	twopence
" 6d. "	1s. 0d.	threepence."

there were substituted the words—

"does not exceed 2½d.	...	a halfpenny
exceeds 2½d. and does not exceed 4d.	...	a halfpenny
" 4d. "	7d.	twopence
" 7d. "	1s. 0d.	threepence."

**12. Limit of time for payment of beer duty.**—The power of the Commissioners of Customs and Excise to defer the time for payment of beer duty under section sixteen of the Inland Revenue Act, 1880 [43 & 44 Vict. c. 20], may be exercised so as to delay the time for payment for a period not exceeding two months beyond the time limited in that section.

**13. Deposit of British glucose in warehouse on drawback.**—(1) Where any glucose on which the full duties of Excise have been paid is deposited in a warehouse approved by the Commissioners of Customs and Excise under section two of the Manufactured Tobacco Act, 1863, for the manufacture of cavendish and negrohead, drawback in respect of the glucose so deposited shall, subject to such regulations and security as the Commissioners may prescribe, be allowed and paid as if the deposit in the warehouse were the exportation of the glucose.

(2) If any person contravenes or fails to comply with any regulations made by the Commissioners under this section, he shall in respect of each offence be liable to an Excise penalty of fifty pounds.

**14. Amendment of 39 & 40 Vict. c. 36, with respect to Excise drawbacks.**—The provisions of section one hundred and four and of section one hundred and five of the Customs Consolidation Act, 1876 (which relate to the entry and shipment of goods for exportation) shall apply respectively to goods entitled to any drawback of Excise and goods upon which any drawback of Excise is claimed, as they apply to goods entitled to any drawback of Customs and goods upon which any drawback of Customs is claimed, and accordingly in those sections the word "drawback" shall be substituted for the words "drawback of Customs."

**15. Drawback and allowance on goods damaged or destroyed after shipment.**—(1) Where it is proved to the satisfaction of the Commissioners of Customs and Excise that any goods after being duly shipped for exportation have, before exportation, been destroyed by accident on board the exporting ship, any drawback or allowance payable in respect of the goods shall be payable in the same manner as if the goods had been actually exported.

(2) Where it is proved to the satisfaction of the Commissioners of Customs and Excise that any goods after being duly shipped for exportation have been materially damaged by accident on board the exporting ship, any drawback or allowance payable in respect of the goods shall, if they are with the consent of the Commissioners of Customs and Excise relanded in the United Kingdom and abandoned to the Commissioners, be payable as if the goods had been actually exported and had not been relanded.

(3) So much of section six of the Customs and Inland Revenue Act, 1879 [42 & 43 Vict. c. 21], as requires British goods brought back into the United Kingdom to be treated as foreign unless any drawback allowed in respect of the goods is repaid shall not apply as respects any goods in respect of which drawback is payable under the provisions of the last preceding sub-section.

(4) The Commissioners of Customs and Excise may modify the form of declaration required under section one hundred and eighteen of the Customs Consolidation Act, 1876, in such manner as they think necessary for the purpose of adapting it to the provisions of this section.

(5) If after any goods on the exportation of which a drawback or allowance is payable have been shipped for exportation, the goods are without the consent of the Commissioners of Customs and Excise relanded in the United Kingdom, or the packages in which the goods are contained are, without such consent as aforesaid, opened, or the marks,



letters, or devices thereon are, without such consent as aforesaid, cancelled, obliterated, or altered, the goods shall be forfeited, and any person who relands, any such goods or who opens any such packages, or cancels, obliterated, or alters the marks, letters, or devices thereon, shall for each such offence forfeit either treble the value of the goods or one hundred pounds at the election of the Commissioners.

(6) The Exports Act, 1786 [26 Geo. 3, c. 40], shall cease to have effect.

16. *Molasses used as food for stock.*—(1) Sub-section (1) of section one of the Revenue Act, 1903 [3 Ed. 7, c. 46] (which exempts from duty imported molasses to be used solely as food for stock), shall apply to molasses produced by a refiner in Great Britain or Ireland from sugar upon which no duty has been paid as it applies to molasses imported into Great Britain or Ireland.

(2) If any person uses, or is in any way concerned in using, any duty-free molasses otherwise than as food for stock, he shall be liable to a penalty of fifty pounds, and the molasses and any articles contained therewith or manufactured therefrom shall be forfeited.

In this section the expression "duty-free molasses" means molasses which have been allowed to be imported or delivered without payment of duty under sub-section (1) of section one of the Revenue Act, 1903, as amended by any other enactment, or in respect of which an allowance has been made under sub-section (2) of that section as amended by any other enactment.

## PART II. INCOME TAX.

17. *Income tax for 1918-19.*—(1) Income tax for the year beginning on the sixth day of April, nineteen hundred and eighteen, shall be charged at the rate of six shillings, and the additional income tax under section twenty-seven of the Finance Act, 1916 [6 & 7 Geo. 5, c. 24], on securities which the Treasury are willing to purchase, shall be charged, levied, and paid for that year at the same rate as was charged for the year beginning on the sixth day of April, nineteen hundred and seventeen.

(2) All such enactments relating to income tax, including the said additional income tax, as were in force with respect to the duties of income tax granted for the year beginning the sixth day of April, nineteen hundred and seventeen, shall have full force and effect with respect to any duties of income tax granted by this Act.

(3) The annual value of any property which has been adopted for the purpose either of income tax under Schedules A and B in the Income Tax Act, 1853 [16 & 17 Vict. c. 34], or of inhabited house duty, for the year ending on the fifth day of April, nineteen hundred and eighteen, shall be taken as the annual value of that property for the same purpose for the next subsequent year:

Provided that this sub-section—

(a) so far as respects the duty on inhabited houses in Scotland shall be construed with the substitution of the twenty-fourth day of May for the fifth day of April; and

(b) shall not apply to the Metropolis as defined by the Valuation (Metropolis) Act, 1869 [32 & 33 Vict. c. 67].

18. *Modification of relief given in respect of earned income.*—(1) The following sub-section shall be substituted for sub-section (1) of section nineteen of the Finance Act, 1907 [7 Ed. 7, c. 13] (which provides for the reduction of the income tax payable in respect of earned income), in lieu of that substituted by section twenty-five of the Finance Act, 1916, namely:—

"(1) Any individual who claims and proves in manner provided by this section that his total income from all sources does not exceed two thousand five hundred pounds, and that any part of that income is earned income shall be entitled, subject to the provisions of this section, to such relief from income tax as will reduce the amount payable on the earned income to the amount which would be payable if the tax were charged on that income at the rate of—

"Two shillings and threepence if the total income does not exceed five hundred pounds;

"Three shillings if the total income exceeds five hundred pounds and does not exceed one thousand pounds;

"Three shillings and ninepence if the total income exceeds one thousand pounds and does not exceed one thousand five hundred pounds;

"Four shillings and sixpence if the total income exceeds one thousand five hundred pounds and does not exceed two thousand pounds;

"Five shillings and threepence if the total income exceeds two thousand pounds and does not exceed two thousand five hundred pounds."

(2) Paragraph (a) of sub-section (7) of section nineteen of the Finance Act, 1907, shall have effect as though there were inserted therein after the words "in any office or employment of profit" the words "or given to the individual in respect of the past services of any deceased person."

19. *Graduation of tax on unearned income in case of incomes not exceeding 2,000*l.**—Section twenty-six of the Finance Act, 1916, shall have effect as if for the rates of tax specified in that section there were substituted the following rates, namely—

Three shillings if the total income does not exceed five hundred pounds;

Three shillings and ninepence if the total income exceeds five hundred pounds and does not exceed one thousand pounds;

Four shillings and sixpence if the total income exceeds one thousand pounds and does not exceed one thousand five hundred pounds;

Five shillings and threepence if the total income exceeds one thousand five hundred pounds and does not exceed two thousand pounds.

20. *Super-tax for 1918-19.*—(1) In addition to the income tax charged at the rate of six shillings under this Act and the additional income tax under section twenty-seven of the Finance Act, 1916, there shall be charged, levied, and paid for the year beginning on the sixth day of April, nineteen hundred and eighteen, in respect of the income of any individual, the total of which from all sources exceeds two thousand five hundred pounds, an additional duty of income tax (in this Act referred to as "super-tax") at the following rates:—

In respect of the first two thousand pounds of the income	Nil.
In respect of the excess over two thousand pounds—	
for every pound of the first five hundred pounds of the excess	one shilling.
for every pound of the next five hundred pounds of the excess	one shilling and sixpence.
for every pound of the next one thousand pounds of the excess	two shillings
for every pound of the next one thousand pounds of the excess	two shillings and sixpence.
for every pound of the next one thousand pounds of the excess	three shillings.
for every pound of the next two thousand pounds of the excess	three shillings and sixpence.
for every pound of the next two thousand pounds of the excess	four shillings
for every pound of the remainder of the excess	four shillings and sixpence.

(2) All such enactments relating to super-tax as were in force with respect to the super-tax granted for the year beginning the sixth day of April, nineteen hundred and seventeen, shall have full force and effect with respect to the super-tax granted under this section.

21. *Charge of Schedule B tax.*—Sections twenty-six and twenty-seven of the Finance Act, 1896 [59 & 60 Vict., c. 28] (which relate respectively to the application of the Income Tax Acts and to annual value for the purpose of exemption from or abatement of income tax under Schedule B), shall, as respects income tax under Schedule B, have effect as if for the references to one-third of the annual value there were substituted references to an amount equal to twice the annual value:

Provided that where it is proved to the satisfaction of the Income Tax Commissioners concerned that any person occupying any lands and assessed to income tax in respect thereof under Schedule B is not occupying those lands for the purposes of husbandry only, or mainly for those purposes, the above provision shall, unless the Board of Agriculture and Fisheries, on a reference to the Board by the Commissioners of Inland Revenue, certify that the use of the lands by that person for purposes other than purposes of husbandry is unreasonable, apply in relation to those lands as if for the reference to an amount equal to twice the annual value there were substituted a reference to an amount equal to the annual value.

The expression "Board of Agriculture and Fisheries" means in the application of this section to Scotland the Board of Agriculture for Scotland, and in the application of this section to Ireland the Department of Agriculture and Technical Instruction for Ireland.

22. *Continuance of certain relief from income tax.*—The provisions of section twenty-nine, section thirty (as amended and extended by section eleven of the Finance Act, 1917), and section forty-three of the Finance Act, 1916 (which give relief from income tax in certain cases for the then current income tax year), shall have effect as if herein re-enacted and in terms made applicable to the income tax year beginning on the sixth day of April, nineteen hundred and eighteen:

Provided that the said section thirty as so amended shall apply to any person who during the current income tax year has served as a member of the Air Force, but a person shall not be deemed to have served as a member of the Air Force unless he has served as an airman in air force service or as an officer of the Air Force on full pay or at a rate of pay which appears to the Income Tax Commissioners concerned, after consultation with the Air Council, to be equivalent to full pay, and either out of the British Islands or for at least one month continuously in the British Islands.

23. *Continuance of relief under 5 Geo. 5, c. 7, s. 13.*—(1) Section thirteen of the Finance Act, 1914 (Session 2) (which gives relief in respect of diminution of income due to war), shall apply to income tax (including super-tax) for the current income tax year, but with the substitution, as regards postponed super-tax, of the first day of January, nineteen hundred and twenty, for the first day of January, nineteen hundred and sixteen, as the date on which the postponed super-tax is to become payable.

(2) Any payment of super-tax for any year (hereinafter referred to

as the year of charge) which has been postponed under section thirteen of the Finance Act, 1914 (Session 2), as continued by section twenty of the Finance Act, 1915 [5 & 6 Geo. 5, c. 62], section twenty-eight of the Finance Act, 1916, and section twelve of the Finance Act, 1917, or which has been postponed and further postponed under those sections may be further postponed until the first day of January, nineteen hundred and twenty, if the individual from whom the payment is due proves to the satisfaction of the Special Commissioners that his actual income from all sources for the current income tax year is or will be less than two-thirds of the income on which he was liable to be charged to super-tax for the year of charge.

**24. Provision with respect to deductions for wear and tear of plant, &c.]—**(1) Where an application is made to the Commissioners of Inland Revenue for the alteration of the amount of any deduction for wear and tear, the Commissioners, unless they are of opinion that the application is frivolous or vexatious, shall refer the case to the Board of Referees, and that Board shall, if they are satisfied that the application is made by or on behalf of any considerable number of persons engaged in any class of trade or business, take the application into their consideration, and determine the deduction to be allowed.

In this section—

The expression "deduction for wear and tear" has the same meaning as in section twenty-six of the Finance Act, 1907; and

The expression "Board of Referees" means any Board of Referees appointed for the purpose of Part III. of the Finance (No. 2) Act, 1915, or, if there is no such Board, a Board of Referees to be appointed for the purpose of this section by the Treasury.

(2) Section twelve of the Customs and Inland Revenue Act, 1878 [41 & 42 Vict. c. 51], as amended by section twenty-six of the Finance Act, 1907, shall have effect as if the references therein to diminished value by reason of wear and tear during the year of any machinery or plant included references to diminished value by reason of any machinery or plant having been temporarily out of use at any time during the year through circumstances attributable, directly or indirectly, to the present war.

(3) In estimating the profits or gains of any trade, manufacture, adventure, or concern in the nature of trade chargeable under Schedule D, or the profits of any concern chargeable by reference to the rules of that Schedule, there shall be allowed to be deducted as expenses incurred in any year so much of any amount expended in that year in replacing any plant or machinery which has become obsolete as is equivalent to the cost of the plant or machinery replaced after deducting from that cost the total amount of any allowances which have at any time been made in estimating profits or gains as aforesaid on account of the wear and tear of that plant and machinery and any sum realised by the sale of that machinery or plant.

(4) Section nine of the Finance Act, 1898 [61 & 62 Vict. c. 10] (which relates to the amount of the deduction to be allowed on account of the annual value of premises), shall not apply in the case of any premises being mills, factories, or other similar premises.

**25. Basis of charge where non-resident is chargeable in name of agent in respect of profits arising from the sale of foreign goods.]—**Where a non-resident person is chargeable to income tax in the name of any branch, manager, agent, factor, or receiver in respect of any profits or gains arising from the sale of goods or produce manufactured or produced out of the United Kingdom by the non-resident person, the person in whose name the non-resident person is so chargeable may, if he thinks fit, apply to the Commissioners by whom the assessment is made or, in case of an appeal, to the General or Special Commissioners to have the assessment to income tax in respect of those profits or gains made or amended on the basis of the profits which might reasonably be expected to have been earned by a merchant or, where the goods are retained by or on behalf of the manufacturer or producer, by a retailer of the goods sold who had bought from the manufacturer or producer direct, and, on proof to the satisfaction of the Commissioners concerned of the amount of the profits on the basis aforesaid, the assessment shall be made or amended accordingly.

**26. No deduction to be allowed on account of annual value of premises abroad.]—**Where any lands, tenements, hereditaments or other premises of whatsoever description used for the purpose of any trade, manufacture, adventure, concern, profession, employment or vocation, are situated outside the United Kingdom, no deduction or set-off shall, in estimating the amount of annual profits or gains arising or accruing from that trade, manufacture, adventure, concern, profession, employment or vocation, in any manner be allowed on account or in respect of the annual value of those premises.

**27. Extension of relief in respect of children and grant of relief in respect of wife and dependent relatives.]—**(1) Section sixty-eight of the Finance (1909-10) Act, 1910 [10 Ed. 7, c. 8] (which, as amended by section thirty-three of the Finance Act, 1916, gives individuals whose total income does not exceed seven hundred pounds relief from income tax in respect of children), as amended by any subsequent enactments, and section thirteen of the Finance Act, 1917, shall have effect as if eight hundred pounds were substituted as the limit of income for seven hundred pounds.

(2) If any individual, who has been assessed or charged to income tax or has paid income tax either by deduction or otherwise, claims and proves in manner prescribed by the Income Tax Acts that his total income from all sources, although it exceeds one hundred and thirty pounds, does not exceed eight hundred pounds, and that for the year for which the income tax is charged he has a wife living with him,

or maintains at his own expense any person being a relative of his or of his wife who is incapacitated by old age or infirmity from maintaining himself, and whose income from all sources does not exceed twenty-five pounds a year, he shall be entitled in respect of his wife and in respect of every such person as aforesaid whom he so maintains to relief from income tax equal to the amount of income tax on twenty-five pounds.

The provisions of this subsection which give relief to an individual in respect of a wife shall in the case of any individual being a widower be extended so as to give relief in respect of a person, being a female relative of his or of his deceased wife, who is resident with him for the purpose of having the charge and care of any child of his.

(3) If any individual who has been assessed or charged to income tax or has paid income tax by deduction or otherwise claims and proves in manner prescribed by the Income Tax Acts that his total income from all sources, although it exceeds eight hundred pounds does not exceed one thousand pounds, and that he would if his income did not exceed eight hundred pounds be entitled under section sixty-eight of the Finance (1909-10) Act, 1910, as amended by any other enactment, or under section thirteen of the Finance Act, 1917, to relief in respect of three or more children, he shall be entitled in respect of each of those children above the number of two to relief from income tax equal to the amount of income tax on twenty-five pounds.

In this section the expression "relative" includes any person of whom the individual in question had the custody and whom he maintained at his own expense while that person was under the age of sixteen years, and the expression "child" means a child in respect of whom relief is given under section sixty-eight of the Finance (1909-10) Act, 1910, as amended by any other enactment or under section thirteen of the Finance Act, 1917.

The provisions of subsections (2) and (3) of section sixty-eight of the Finance (1909-10) Act, 1910, as amended by any subsequent enactments, shall apply to the relief given by this section, to the manner of claiming such relief, and to the proof to be given with respect thereto, as if they were herein re-enacted and in terms made applicable to this section.

**28. Extension of relief to clergymen or ministers of religion in respect of dwelling-houses.]—**Where a clergyman or minister of any religious denomination is in the occupation of a dwelling-house, but pays no rent therefor, he shall for the purposes of section twenty-eight of the Finance Act, 1907 (which allows deductions by clergymen and ministers in respect of dwelling-houses), be deemed to pay a rent equal to the annual value of the dwelling-house as assessed to income tax under Schedule A, and that section shall have effect accordingly.

**29. Payment of interest on war securities in certain cases without deduction of income tax.]—**The Treasury may direct that any securities issued under the War Loans Acts, 1914 to 1917, or any Act amending those Acts, shall be issued or shall be deemed to have been issued subject to the condition that the interest on those securities shall be paid without deduction of income tax, and the interest shall be so paid accordingly, but any such interest shall be accounted for and charged to income tax under the third case of Schedule D, subject, however, to any provisions of the Income Tax Acts with respect to exemptions or abatements.

**30. Payment of Schedule A income tax by instalments.]—**The provisions of subsections (1) and (3) of section thirty-three of the Finance (No. 2) Act, 1915 (which provides for the payment of income tax by instalments in certain cases), shall apply to the case of income tax charged under No. I. or No. II. of Schedule A as they apply to the cases mentioned in subsection (2) of that section.

**31. Excess profits duty charged in respect of profits arising from the sale of trading stock not to be allowed as a deduction.]—**Any excess profits duty which becomes chargeable by virtue only of the provisions of this Act relating to profits arising from the sale of trading stock, otherwise than in the ordinary course of trade, shall not for the purpose of the provisions of section thirty-five of the Finance (No. 2) Act, 1915, which enacts that, where a person has paid excess profits duty under that Act, the amount so paid shall be allowed as a deduction in computing profits and gains for the purpose of income tax, be deemed to be excess profits duty under that Act.

**32. Exemption from income tax of certain funds under the National Insurance (Health) Acts, 1911 to 1918.]—**(1) An insurance committee established under Part I. of the National Insurance Act, 1911, shall in respect of income derived from any funds or credits of the committee under the National Insurance (Health) Acts, 1911 to 1918, or any investment thereof, and the trustees of the special fund constituted by subsection (6) of section forty-eight of the National Insurance Act, 1911 [1 & 2 Geo. 5, c. 55], as amended by the National Health Insurance Act, 1918 [7 & 8 Geo. 5, c. 62], shall in respect of income derived from that fund, be entitled to exemption from income tax, and the National Health Insurance Joint Committee shall be entitled to a similar exemption in respect of any income derived from any funds held by that Committee or under the control or management of that Committee under or for the purpose of the National Insurance (Health) Acts, 1911 to 1918.

(2) Any exemption granted under this section shall be claimed and allowed in the same manner as in the case of income applicable and applied to charitable purposes and shall be in addition to and not in derogation of any other exemption under any other Act.



33. *Effect of s. 97 of Taxes Management Act, 1880.*—For the purpose of removing doubts, it is hereby declared that any person who has made default in paying any sum which may be levied on him in respect of income tax or inhabited house duty may, notwithstanding that he was not named in the assessment, be entered as a defaulter in a certificate under section ninety-seven of the Taxes Management Act, 1880 [43 & 44 Vict. c. 19], which relates to the recovery of duty refused in Scotland.

PART III.

EXCESS PROFITS DUTY.

34. *Continuation of excess profits duty.*—The Finance (No. 2) Act, 1915 (in this Part of this Act referred to as "the principal Act"), as amended or extended by any subsequent enactment, shall, so far as it relates to excess profits duty, apply, unless Parliament otherwise determines, to any accounting period ending on or after the first day of August, nineteen hundred and eighteen, and before the first day of August, nineteen hundred and nineteen, as it applies to accounting periods ended after the fourth day of August, nineteen hundred and fourteen, and before the first day of August, nineteen hundred and eighteen.

35. *Profits arising from sale of trading stock.*—(1) For the purposes of excess profits duty the profits arising from the sale at any time after the twenty-second day of April, nineteen hundred and eighteen, otherwise than in the ordinary course of trade of the trading stock or part of the trading stock belonging or formerly belonging to any trade or business, shall be deemed to be profits arising from a trade or business, and where any such sale takes place after a trade or business has ceased the trade or business shall be deemed to have been carried on up to and including the date on which the sale takes place, and the accounting period shall be taken to be such as the Commissioners of Inland Revenue may determine.

(2) Where a trade or business has ceased but is deemed for the purposes of this section to have been carried on for any period—

(a) the person by whom or by whose authority any trading stock is sold whether as owner, agent, liquidator, trustee, or receiver or other person acting in a similar capacity shall be deemed to be the person carrying on the trade or business and excess profits duty shall be assessed on and recoverable from that person and nothing in subsection (2) of section forty-five of the principal Act shall operate so as to impose any liability to duty on the purchaser of the trading stock; and

(b) the appointment of any such liquidator, trustee or receiver, or other person shall not be treated as a change of ownership of the trade or business, and subsection (3) of section thirty-eight of the principal Act and paragraph seven of Part I. of the Fourth Schedule to that Act as amended by any subsequent enactment shall have effect as if the profits arising from the sale of the trading stock had been made by the owner of the business immediately before the appointment of the liquidator, trustee, receiver, or other person, and as if the duty were payable by him.

(3) Where any trading stock is sold together with other assets of the trade or business, the part of the consideration attributable to the trading stock shall, subject to appeal in manner provided by subsection (5) of section forty-five of the principal Act, be determined by the Commissioners of Inland Revenue, and the part of the consideration so determined shall be deemed to be the price paid for the trading stock by the purchaser.

(4) For the purpose of this section any trading stock which has been disposed of otherwise than by way of sale shall be deemed to have been sold, and any such trading stock so disposed of, and any trading stock which has been sold for a consideration other than cash, not being a consideration the value of which can be easily ascertained, shall be deemed to have realized the market price of the day on which it was so disposed of or sold.

No person shall at any time after the fourteenth day of May, nineteen hundred and eighteen, dispose otherwise than by way of sale of any trading stock unless he has previously made provision to the satisfaction of the Commissioners of Inland Revenue for securing the payment of any excess profits duty which may be chargeable by virtue of the provisions of this section, and if any person attempts to dispose of any trading stock in contravention of this provision the disposal shall be void and of no effect.

(5) In this section the expression "trading stock" includes—

(a) any goods such as are sold in the ordinary course of a trade or business whether in a finished condition or not; and

(b) any raw or other materials used in the manufacture or preparation of any such goods, and references to disposal of trading stock do not include disposal by way of testamentary disposition.

PART IV.

STAMPS.

36. *Increase of stamp duty on certain bills of exchange.*—(1) Twopence shall be substituted for one penny as the stamp duty on all bills of exchange and promissory notes chargeable under the First Schedule to the Stamp Act, 1891 [54 & 55 Vict. c. 39], with duty at the rate of one penny and drawn on or after the first day of September, nineteen hundred and eighteen, and twopence shall accordingly be substituted for one penny in sections thirty-four and thirty-eight of the Stamp Act, 1891.

(2) The provisions of sub-section (2) of section thirty-eight of the Stamp Act, 1891, shall apply so as to enable an adhesive penny stamp to be fixed on any bills of exchange to which that sub-section applies being bills which are liable to a duty of twopence under this section and are stamped only with a penny stamp, as they apply with respect to the fixing of a stamp on an unstamped bill.

(3) Sub-section (1) of section thirty-eight of the Stamp Act, 1891, shall not operate so as to render any bill of exchange which is liable to a duty of twopence under this section and is stamped with a penny stamp invalid for any purpose until the first day of December, nineteen hundred and eighteen, if the person who takes or receives the bill fixes thereto an adhesive stamp of one penny and cancels the stamp.

PART V.

GENERAL.

37. *Suspension of new sinking fund.*—In the financial year ending the thirty-first day of March, nineteen hundred and nineteen, that portion of the permanent annual charge for the national debt which is not required for the annual charge directed by the National Debt and Local Loans Act, 1887 [50 & 51 Vict. c. 16], or any other Act to be paid out of that charge, shall not be paid.

38. *Provision for dealing with small amounts of Government stock belonging to deceased persons.*—(1) Where the Bank have reason to believe that any person in whose name any war stock of an amount not exceeding in the aggregate one hundred pounds in nominal value or in actual value, whichever is the less, is standing has died the Bank may, in such manner as may be prescribed by regulations made under section one of the War Loan (Supplemental Provisions) Act, 1915 [5 & 6 Geo. 5, c. 93], transfer the stock from the books of the Bank to the Post Office Stock Register established under that Act, and may in such manner as may be so prescribed remit any dividends accrued thereon to the Postmaster General to be dealt with in the same manner as if the stock had been inscribed in the said register at the time when they accrued due.

(2) Where the Bank have reason to believe that any person in whose name any Government stock of a nominal amount not exceeding in the aggregate five hundred pounds is standing has died in actual military service, and that he was a person resident in some part of His Majesty's dominions outside the British Islands, the Bank may on an application in that behalf made under this section by the proper authority and on an undertaking by the proper authority to answer for any death duties leviable in respect of the stock and any dividends accrued thereon, and to deal with the stock or the proceeds of sale thereof and any dividends thereon in accordance with the provisions of this section, hold the stock together with any dividends which have accrued, or which may thereafter accrue thereon at the disposal of the proper authority, and thereupon the stock shall become transferable by, and any dividends thereon shall become payable to, the proper authority as if that authority were the legal personal representative of the deceased person.

(3) Where any stock is transferred or where any dividends are remitted or paid under or in pursuance of this section, the transfer, remittance, or payment, as the case may be, shall be deemed to have been properly made and the Bank shall be discharged from all liability in respect of the stock transferred and the dividends remitted or paid.

(4) Where any stock is held at the disposal of or any dividends thereon are paid to the proper authority under or in pursuance of this section, that authority may, after making provision for the payment of any death duties leviable in respect of the stock and of the dividends, transfer the stock or any part of the stock, or pay the proceeds of sale thereof or any part of those proceeds, to any person who, in the opinion of the proper authority, establishes a valid claim to the said stock or the proceeds of sale or any part thereof, and the receipt of any person to whom payment is made under or in pursuance of this sub-section shall be a good discharge to the proper authority for the sum paid and any stock transferred to any person under or in pursuance of this sub-section shall be deemed to have been properly transferred, and the proper authority shall be discharged from all liability in respect of the sum paid or the stock transferred.

(5) For the purposes of this section—

The expression "the Bank" means the Bank of England or the Bank of Ireland, as the case may be;

The expression "proper authority" means the High Commissioner or agent in London of the Dominion or Colony in which the deceased person was resident, or any other person recognized by the Treasury as being in relation to the deceased person the proper authority for the purposes of this section;

The expression "Government stock" means any stock or bonds which are for the time being transferable in the books of the Bank under the National Debt Act, 1870 [33 & 34 Vict. c. 71], or by deed under section seventeen of the Finance Act, 1911 [1 & 2 Geo. 5, c. 48];

The expression "war stock" means any Government stock issued in connection with any loan raised for the purposes of the present war;

The expression "death duties" has the same meaning as in subsection (3) of section thirteen of the Finance Act, 1894 [57 & 58 Vict. c. 30];

A person shall be deemed to have died in actual military service if he was a person to whom at the time of his death the provisions of section eleven of the Wills Act, 1837 [7 Will. 4 and 1 Vict. c. 26],

as amended by the Wills (Soldiers and Sailors) Act, 1918 [7 & 8 Geo. 5, c. 58], applied or would have applied if he had been domiciled in England.

39. *Amendment of s. 35 of 7 & 8 Geo. 5, c. 31.*—Section thirty-five of the Finance Act, 1917, which empowers trustees to borrow and invest in war securities, shall have, and shall be deemed always to have had, effect as if for the words "are hereby expressly authorized to exercise without the consent of any other person, such powers of borrowing, subscription, investment, sale, or conversion, notwithstanding anything in any instrument creating the trust" in sub-section (1) thereof there were substituted the words "are hereby expressly authorized to exercise such powers of borrowing, subscription, investment, sale, or conversion, notwithstanding anything to the contrary in any instrument creating the trust; and without the consent of any other person, notwithstanding that such consent is required by the instrument creating the trust."

40. *Amendment of s. 42 of 6 & 7 Geo. 5, c. 24.*—Section forty-two of the Finance Act, 1916, which exempts interest payable in respect of war savings certificates from income tax, shall have effect as though for the words "held by the purchaser" there were submitted the words "held by the person who is for the time being the holder of the certificate."

41. *Power to extend currency of war savings certificates.*—Notwithstanding anything in the War Loan Acts, 1914 to 1917, or in any regulations made with respect to, or in any conditions relating to the issue of, war savings certificates, any such certificate issued under those Acts shall not, if the Treasury so direct, and subject to such conditions with respect to interest and otherwise, as they may impose, be required to be repaid or redeemed within five years after the date on which it was issued, in any case in which the holder of the certificate is at the date on which the certificate becomes repayable the holder of other war savings certificates which do not become repayable till a later date, and section forty-two of the Finance Act, 1916, shall apply with respect to any interest payable in respect of the certificate for the period after the expiration of five years from the date on which it was issued up to the date on which it is repaid or redeemed as it applies to the accumulated interest mentioned in that section:

Provided that nothing in this section shall prejudice any right of the holder of any war savings certificates, if he so desires, to have the amount payable under the certificate paid to him on or before the expiration of five years after the date on which the certificate was issued.

42. *Amendment of s. 34 of 7 & 8 Geo. 5, c. 31.*—Section thirty-four of the Finance Act, 1917, shall have effect as though there were inserted therein after the words "price of issue," in sub-section (3) and sub-section (4) thereof, the words "or such other price as was specified in the conditions subject to which the stock or bonds were issued as the price at which the stock or bonds were to be valued for the purposes of this section."

43. *Provision for enabling the Post Office to exercise powers in relation to insurance stamps.*—Section 20 of the Finance Act, 1911 [1 & 2 Geo. 5, c. 48] (which enables His Majesty by Order in Council to provide for the exercise and performance by the Postmaster-General of any powers and duties of the Commissioners of Inland Revenue with reference to certain stamps), shall have effect as though the reference therein to any stamps used to denote duties other than duties of postage included a reference to stamps required for the purposes of the National Insurance Act, 1911, and any Orders made under that section may be varied or revoked by any subsequent Orders so made.

44. *Extension of 4 & 5 Geo. 5, c. 76, to property passing to certain collaterals.*—The Death Duties (Killed in War) Act, 1914 (which extends as respects the present war the relief from death duties given by section fourteen of the Finance Act, 1900 [63 & 64 Vict. c. 7]), shall have effect, and shall be deemed always to have had effect, as though the references therein to lineal ancestors included references to brothers and sisters and the descendants of brothers and sisters of the deceased.

45. *Construction, repeals, and short title.*—(1) Part I. of this Act so far as relates to duties of customs shall be construed as one with the Customs (Consolidation) Act, 1876, and any enactment amending that Act, and so far as it relates to duties of excise shall be construed together with the Acts relating to duties of excise and the management of those duties.

Part II. of this Act shall be construed with the Income Tax Acts, 1842 to 1853, and any other enactments relating to income tax, and those enactments and Part II. of this Act are in this Act referred to as the Income Tax Acts.

Part III. of this Act shall be construed with the Finance (No. 2) Act, 1915.

(2) The Acts specified in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(3) This Act may be cited as the Finance Act, 1918.

#### SCHEDULES.

##### FIRST SCHEDULE.

[Sections 3, 4.]

##### PART I.

[Ordinary Customs Duties on Spirits.]

##### PART II.

[Additional Customs Duties in respect of Immature Spirits.]

##### PART III.

[Additional Excise Duties in respect of Immature Spirits.]

NOTE.—The additional duties under Part II. and Part III. of this Schedule shall, in the case of blended spirits, be subject to the modifications enacted by the provisions in Part III. of the Schedule to the Finance Act, 1915, as though those provisions were herein re-enacted with the substitution for the reference to Parts I. and II. of that Schedule of a reference to Parts II. and III. of this Schedule.

#### SECOND SCHEDULE.

[Section 7.]

TOBACCO.

##### PART I.

[Customs Duties.]

##### PART II.

[Excise Duties.]

##### PART III.

[Rates of Drawback.]

#### THIRD SCHEDULE.

[Sections 8, 9.]

SUGAR, &c.

##### PART I.—DUTIES.

[NOTE.—The charge under this Schedule of a specified amount of duty on a specific weight of any article includes a charge of a proportionately less duty on any less weight of any article so charged.]

##### \*PART II.—DRAWBACKS AND ALLOWANCES.

\* The substituted drawbacks and allowances shall only take effect where it is shewn that duty has been paid at the increased rate.

#### FOURTH SCHEDULE.

[Section 45.]

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
26 Geo. 3, c. 40 3 & 4 Vict. c. 18 23 & 24 Vict. c. 129. 26 & 27 Vict. c. 7.	The Exports Act, 1786 The Tobacco Act, 1840 The Excise on Spirits Act, 1860. The Manufactured Tobacco Act, 1863.	The whole Act. Section thirteen. Section one.  In section one the words "nor unless the tobacco stalks contained therein shall have been fairly cut in the same with portions of the lamina of the leaf adhering thereto."
26 & 27 Vict. c. 33. 39 & 40 Vict. c. 36. 43 & 44 Vict. c. 20. 44 & 45 Vict. c. 12.	The Revenue Act, 1863 The Customs (Consolidation) Act, 1876. The Inland Revenue Act, 1880. The Customs and Inland Revenue Act, 1881.	Section seventeen. Section one hundred and seven. Section eleven. Sections three and seven.
53 & 54 Vict. c. 8. 59 & 60 Vict. c. 28. 62 & 63 Vict. c. 9. 63 Vict. c. 7.	The Customs and Inland Revenue Act, 1890. The Finance Act, 1896 The Finance Act, 1899 The Finance Act, 1900	Sections four and six. Sections two, three, eight and nine. Section three. Sections three, four, five, six, and seven.
2 Ed. 7, c. 7 10 Ed. 7, c. 8	The Finance Act, 1902 The Finance (1909-10) Act, 1910.	Sub-section (1) of section five down to "five pence and". Sub-sections (1) and (3) of section eighty-one, section eighty-two, and Part I. of the Third Schedule.
5 Geo. 5, c. 7 5 & 6 Geo. 5, c. 89.	The Finance Act, 1914 (Session 2). The Finance (No. 2) Act, 1915.	Sections two, three, four, and ten. Sub-section (1) of section twenty-two.



# CHAPTER 16.

## SOLICITORS (ARTICLED CLERKS) ACT, 1918.

An Act to modify the requirements of the Solicitors Acts, 1839 to 1917, with respect to Articled Clerks who have served in His Majesty's forces or in other public service, or have been Prisoners of War or interned in connection with the present war. [30th July, 1918.]

Be it enacted, &c.

1. *Reckoning of time of service with the forces, &c., as service of articles.*—Notwithstanding anything in the Solicitors Acts, 1839 to 1917, any time after the third day of August nineteen hundred and fourteen (whether before or after the passing of this Act), during which an articled clerk has for the purposes of the present war served in any of His Majesty's forces, or in any public service connected with the present war of a character approved by the Master of the Rolls, or has, in consequence of the present war, been detained as a prisoner, military or civil, in any enemy country, or been interned in an enemy or neutral country, shall, on the Law Society being satisfied as to the fact and length of such service, detention or internment, and that the articled clerk has in other respects complied with the said Acts, be reckoned for all purposes as time duly served under his articles of clerkship.

2. *Power to exempt from the intermediate examination.*—The Lord Chief Justice and the Master of the Rolls, or either of them, may, where under circumstances arising out of or connected with the present war they or he see fit so to do, exempt any person or persons from compliance with the enactments and regulations for the time being in force with respect to the Intermediate Examination as defined in and prescribed by the Solicitors Act, 1877 [40 & 41 Vict. c. 25], either entirely or partially and subject to any such conditions as to them or him may seem fit.

3. *Short title, citation, and extent.*—(1) This Act may be cited as the Solicitors (Articled Clerks) Act, 1918, and the Solicitors Acts, 1839 to 1917, and this Act may be cited together as the Solicitors Acts, 1839 to 1918.

(2) This Act shall not extend to Scotland or Ireland.

# CHAPTER 17.

## LAND DRAINAGE ACT, 1918.

An Act to amend the Land Drainage Act, 1861, and to make further provision for the drainage of agricultural land. [30th July, 1918.]

Be it enacted, &c.

### PART I.

#### AMENDMENTS OF PRINCIPAL ACT.

1. *Power to make orders constituting drainage districts, &c.*—(1) Subject in the case of opposed orders to confirmation by Parliament in manner provided by the First Schedule to this Act, the Board of Agriculture and Fisheries may by order—

(a) constitute any area a separate drainage district for the purposes of Part II. of the Land Drainage Act, 1861 [24 & 25 Vict. c. 135] (in this Act referred to as the principal Act), and include therein the whole or any part of any existing drainage area, and provide for the constitution of the drainage board for the district and the appointment or election of the members thereof;

(b) alter the boundaries of any drainage area;

(c) define the limits of any commission of sewers;

(d) confer on any drainage authority such additional powers of levying drainage rates or borrowing powers as may be necessary or expedient, or alter or supplement in any other respect the provisions of any local Act or of any award made under any such Act where in the opinion of the Board such alterations or supplemental provisions are necessary or expedient for enabling the area for the benefit of which drainage works are authorized by the local Act or award to be drained effectually.

(2) Where the council of a county or county borough in which the drainage area of any drainage authority is situate, or if such area is situated in more than one county or county borough, the councils thereof present a petition to the Board for the purpose, the Board may by a like order, made after consultation with the Local Government Board, transfer to the council or councils the powers, duties, property, and obligations of the drainage authority, and thereupon the council or councils shall become the drainage authority for the area for the purposes of this Act, and any expenses incurred by the council or councils as such authority shall be defrayed under and in accordance with the powers so transferred and not in any other manner.

(3) Any order under this section may contain any incidental, consequential, or supplemental provisions which appear to be necessary or proper for the purposes of the order.

(4) An order under this section may make any river, canal, or inland navigation or the cuts, reservoirs, feeders, or other works belonging thereto liable to the control of a drainage authority, notwithstanding the provisions of any local Act exempting the same from such control and of section fifty-seven of the principal Act, subject nevertheless to the provisions of section fifty-four of the principal Act.

(5) References in Part II. of the principal Act as amended by this Act to provisional orders shall be construed as including references to orders so made.

2. *Procedure for the making of Orders.*—(1) The Board of Agriculture and Fisheries may on the receipt of such a petition as is herein-after mentioned, or, in the case of the constitution of a separate drainage

district or of the alteration of the drainage area of any drainage authority, on their own initiative without any petition, after making such inquiries as they think necessary, and after consultation with the council of any county or county borough affected by the proposed order or any committee thereof appointed for the purpose, prepare a draft order to carry the petition into effect, or, as the case may be, to constitute the district or alter the area.

(2) A petition for an order may be presented, in the case of a proposal for the definition of the limits of a commission of sewers, by the commission, and in the case of a proposal to alter or supplement a local Act conferring powers on a drainage authority, by that authority, or by the council of any administrative county or county borough in which any part of the drainage area of that authority is situate, and in other cases by—

(a) the proprietors of one-tenth of the area proposed to be constituted a separate drainage district, or of the area proposed to be added to or excluded from a drainage area; or

(b) the drainage authority of a drainage area proposed to be altered; or

(c) the council of any administrative county or county borough in which any part of the land proposed to be affected by the order is situate.

(3) Where the Board have prepared a draft order the procedure thereon shall be in accordance with the First Schedule to this Act.

(4) An order constituting an area a separate drainage district or including in any drainage district any drainage area or any part of any drainage area shall not be made if within the prescribed period after publication of the draft order the proprietors of one-third of the proposed drainage district signify to the Board their objection to the making of the order.

(5) An order altering the boundaries of a drainage area or including in any drainage district any part of a drainage area shall not be made without the consent of the drainage authority for the area, or if within the prescribed period after the publication of the draft order the proprietors of one-third of the area proposed to be added to or excluded from the drainage area signify to the Board their objection to the making of the order.

(6) An order or provisional order made under this Act or the principal Act may be repealed, altered, or amended by an order made by the Board under and in accordance with the provisions of this Act.

3. *Expenses of making the order.*—(1) The expenses of the Board of Agriculture and Fisheries, and, if and so far as the order so directs, the expenses of the petitioners, in relation to the making or confirmation of an order, shall be defrayed as follows:—

(a) Where a petition has been presented for the order and the order is made and comes into force, then—

(i) if the order is made on a petition for the constitution of a separate drainage district, the expenses shall be a first charge on the rates leviable in the district constituted by the order;

(ii) if the order is made on a petition for the alteration or definition of the boundaries of a drainage area, the expenses shall be a first charge on the drainage rates leviable by the drainage authority in the area as altered or defined by the order, or where more than one area is so altered on the drainage rates leviable within those areas in such proportions as the Board direct;

(iii) if the order is made on a petition for altering or supplementing the powers conferred on the drainage authority by a local Act or award the expenses shall be a first charge on the drainage rates leviable by the drainage authority;

(iv) if an order is made on a petition for the transfer to the council of a county or county borough, or two or more such councils, of the powers, duties, property, and obligations of a drainage authority by the petitioners;

(b) Where a petition has been presented for the order and the order is not made or does not come into force, the expenses shall be paid by the petitioners;

(c) Where a petition has not been presented for the order, the expenses shall, if the order is made and comes into force, be defrayed if and so far as the order so directs in the same manner as if a petition for the order had been presented, and subject as aforesaid the expenses shall be defrayed by the Board.

(2) The petitioners shall give such security for expenses as may be required by the Board.

4. *Provisions as to rating.*—(1) The powers of a commission of sewers or of a drainage board constituted under the principal Act or this Act shall include, and shall be deemed always to have included, powers of levying drainage rates on the basis of acreage or on the basis of annual value of the lands liable to be rated.

(2) An order made under this Act may provide for differential rating of part of any drainage district (whether constituted under the principal Act or this Act), or any area within the limits of a commission of sewers, and for total or partial exemption of buildings, railways, canals, inland navigations or any other special class of land within the district or area.

5. *Powers of local authorities to contribute to drainage expenses.*—Where it is shown to the satisfaction of the Local Government Board that the execution or maintenance of any drainage works is desirable in the interests of the public health of any area, or for the protection or better enjoyment of any highways, the Board may authorize the local authority of the district for the purposes of the Public Health Act, 1875 [38 & 39 Vict. c. 35], in which the area to be benefited is situated, or the highway authority, as the case may be, to contribute or undertake

to contribute to the expenses of the execution or maintenance of the drainage works by a drainage authority, such an amount as the Board, having regard to the public benefit derived therefrom, may sanction and may direct how and out of what fund or rate such contributions may be defrayed.

**6. Arrangements between drainage authorities.]—**Any drainage authority may with the consent of the drainage authority of any adjoining drainage area execute and maintain in that adjoining area any works which the first-mentioned drainage authority might execute or maintain within their own area on such terms as to payment or otherwise as may be agreed on between the drainage authorities, or may agree to contribute to the expense of the execution or maintenance of any works by the drainage authority of any adjoining drainage area, and any expense incurred by any drainage authority under this section shall be defrayed as if the expense had been incurred in their own drainage area.

**7. Power to enter into arrangements with navigation authorities.]—**(1) A drainage authority and a navigation authority may, if authorized in that behalf by an order made by the Board of Agriculture and Fisheries after consultation with the Board of Trade, and, if opposed, confirmed by Parliament, in accordance with the First Schedule to this Act, enter into arrangements for—

(a) the transfer to the drainage authority of the whole or any part of the undertaking, powers, duties, and obligations of the navigation authority with a view to improving the drainage area of the drainage authority; or

(b) the alteration or management of the works or undertaking of the navigation authority or any parts thereof with a view to improving the drainage of the drainage area of the drainage authority; or

(c) payment by any party to any such arrangement to the other party as the consideration for any matter or subject to which the arrangement relates.

(2) Notice of the intention to make an order under this section shall be given to the Postmaster-General.

(3) Nothing in this section shall be construed as prejudicing or affecting any powers of entering into such arrangements which any such authorities may possess independently of this section.

**8. Power of drainage authorities to execute works outside their area.]—**A drainage authority desiring to execute drainage works for the benefit of their drainage area in lands outside that area shall have the like powers in that behalf as are conferred by the Land Drainage Act, 1847 [10 & 11 Vict. c. 39], or Part III. of the principal Act, on persons interested in land which is capable of being drained or improved and desiring to execute drainage works for such purpose, and any expense incurred by a drainage authority under this section shall be defrayed as if the expense had been incurred in the drainage area of the drainage authority.

**9. Reports by drainage authorities.]—**(1) Every drainage authority shall, before such date in every year as the Board of Agriculture and Fisheries may fix, send to the Board a report of their proceedings during the preceding year, and shall at the same time send a copy of such report to the council of any administrative county or county borough in which any part of the drainage area of the authority is situate.

(2) Such report shall be in such form and shall contain such information as the Board may, by regulations to be made under this Act, direct.

**10. Joint action by councils.]—**The councils of any two or more counties or county boroughs may combine for the purpose of the joint exercise of any powers conferred on them by or under this Act, and may for those purposes appoint a joint committee and may agree as to the proportions in which the several councils represented on the joint committee are to contribute towards the expenses of such joint committee.

**11. Expenses of councils.]—**Except as otherwise expressly provided by this Act any sums payable under this Act by the council of a county or county borough shall, in the case of a county, be paid out of the county fund and, in the case of a county borough, be paid out of the borough fund or rate.

**12. Power to invest money on security of drainage rates.]—**Where the proprietors of any land comprised within a drainage area are authorized to invest money on real security, they shall (unless the contrary is provided by the instrument authorizing such investment) have power to invest money on a first mortgage of the drainage rates leviable by the drainage authority for that area.

**13. Definitions.]—**For the purposes of this Part of this Act, unless the context otherwise requires, the expression "drainage authority" means any commission of sewers, any drainage board constituted under the principal Act or this Act, and any body of persons authorized by any local Act or any award made under any such Act to make or maintain works for the drainage of land; and the expression "drainage area" means the area within the limits of a commission of sewers, the district of such drainage board as aforesaid, and the area within the jurisdiction of such body of persons as aforesaid.

**14. Minor amendments and repeals.]—**The provisions of the principal Act mentioned in the first column of the table in Part I. of the Second Schedule to this Act shall be amended in the manner specified in the second column of that table, and the principal Act shall be repealed to the extent specified in Part II. of that schedule.

## PART II.

## FURTHER PROVISIONS FOR THE IMPROVEMENT OF THE DRAINAGE OF AGRICULTURAL LAND.

**15. Powers of Board to enforce performance of duties.]—**(1) For the purpose of enforcing in relation to agricultural land any liability to repair which is enforceable under section fifteen of the Sewers Act, 1833 [3 & 4 Will. 4, c. 22], any officer appointed by the Board of Agriculture and Fisheries may exercise on behalf of the Board the powers conferred by that section on an officer appointed by a court of sewers.

(2) Where in the opinion of the Board, any agricultural land is injured or likely to be injured by flooding or inadequate drainage which might be remedied wholly or partially by the exercise of drainage powers which are conferred by any general or local Act or an order having the force of an Act of Parliament, or by any award made under any Act, or by any commission of sewers, and which are not being exercised, or, in the opinion of the Board, are being insufficiently exercised, the Board may exercise any such power and also any power conferred by any such Act, order, award, or commission for defraying the expenses so incurred or for any purpose incidental to the exercise of any such power: Provided that this sub-section shall not apply to powers conferred upon any railway company or navigation authority for the purposes of their undertaking.

**16. Schemes for drainage of small areas.]—**(1) Where the Board of Agriculture and Fisheries are of opinion that any agricultural land is capable of improvement by drainage works, but that the same cannot be conveniently dealt with by an order under Part I. of this Act, and that the expenses of executing and maintaining such works will not exceed the increase in the value of the land arising therefrom, the Board may, in accordance with the provisions of a scheme made under this section, enter on the lands and execute such drainage works as appear to them desirable.

(2) Before executing any works under this section the Board shall prepare a draft scheme stating—

(a) the works proposed to be executed;

(b) the area to be improved thereby;

(c) the estimated cost of the execution of the works, which shall not exceed an amount equal to five pounds for each acre in the area to be improved, or five thousand pounds in all, and the maximum amount to be recoverable by the Board in respect of the costs thereof;

(d) the manner in which the expenses of executing and maintaining the works are to be apportioned amongst the lands comprised in the area;

and shall give to the owners and occupiers of land comprised within the area, and to any navigation authority or other body or person appearing to the Board to be affected by the scheme, notice in the prescribed manner of the making of the draft scheme, and of the place where it can be inspected and of the time within which objections to the scheme may be presented to the Board, and the Board shall, before settling the scheme, consider any objections which may have been duly made.

(3) Copies of the scheme when settled shall be served on the owners and occupiers of land in the area to which the scheme relates.

(4) For the purpose of executing any works under a scheme and maintaining the same the Board shall, within the area to which the scheme relates or in which the works are to be executed, have all the powers of a drainage board under the principal Act as amended by this Act, but subject to the restrictions thereby imposed on the exercise of such powers.

(5) Any expenses incurred by the Board under this section in the execution of drainage works to an amount not exceeding the amount declared by the scheme to be the maximum amount of expenses recoverable by them, or in maintaining any such works, shall be recoverable by the Board in a summary manner from the several owners of the lands to which the scheme relates according to the apportionment in the scheme:

Provided that if any owner so requires in writing the sum payable by him shall be recoverable by the Board by means of a rate to be made and levied by the Board in like manner, subject to the like provisions and with the like incidence as are applicable in the case of a private improvement rate for private improvement expenses incurred by a local authority under the Public Health Act, 1875, with this qualification, that the Board shall, on the application of the owner or occupier of any land subject to the rate, determine the proportion of the rate to be borne by them respectively, having regard to the benefit derived from the works, the contract of tenancy, and all other circumstances of the case, but the local authority may on the application and on behalf of the Board collect the rate and pay over the proceeds to the Board after deducting such reasonable costs of collection as may be agreed with the Board, or, in default of agreement, settled by the Local Government Board.

**17. Delegation of power of Board to committees.]—**(1) The Board of Agriculture and Fisheries may, with respect to any area consisting of one or more counties or county boroughs, authorize any body of persons constituted in the prescribed manner, to exercise on behalf of the Board, subject to such appeal to the Board as may be prescribed, any of the powers of the Board under this Part of this Act, and may, if they think fit, prescribe the procedure and the method of authentication of any notice or other instrument issued by any such body.

(2) At least a majority of the members of any body of persons constituted in accordance with the provisions of the foregoing sub-section shall consist, in such proportion as the Board may fix, of members of



the councils of the counties and county boroughs comprised in the area for which such body is constituted.

18. *Works below high-water mark.*—Nothing in this Part of this Act shall authorize the execution of any works on, over or under tidal lands below high-water mark of ordinary spring tides, except in accordance with such plans and sections, and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

19. *Crown rights.*—(1) Nothing in this Part of this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown, and in particular nothing therein contained authorizes the Board of Agriculture and Fisheries to take, use or in any manner to interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land, hereditaments, subjects or rights of whatsoever description belonging to His Majesty in right of the Duchy of Lancaster or in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Chancellor of the Duchy or of the Commissioners of Woods or the Board of Trade, as the case may be, on behalf of His Majesty first had and obtained for that purpose (which consent the said Chancellor of the Duchy, Commissioners and Board are hereby respectively authorized to give).

(2) Nothing in this Part of this Act affects prejudicially any estate, right, power, privilege or exemption vested in or enjoyed by the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall.

### PART III.

#### GENERAL.

20. *Powers of entry on land.*—Any person authorized in that behalf by the Board of Agriculture and Fisheries or by any body of persons exercising any powers of the Board on their behalf may, for the purpose of carrying into effect, on the production (if so required) of his authority, enter on and inspect any land.

If any person prevents or obstructs the entry for the purpose of this Act upon any land of any person authorized under this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

21. *Crown and Duchy Lands.*—The principal Act and this Act shall, subject as hereinbefore expressly provided, apply to land belonging to His Majesty, in right of the Crown, or the Duchy of Lancaster, and to land belonging to the Duchy of Cornwall and as respects—

(a) land belonging to His Majesty in right of the Crown, the Commissioners of Woods;

(b) land belonging to His Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;

(c) land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall appoints;

shall, for the purposes of the principal Act, be deemed to be the proprietor of the land.

22. *Expenses of Board.*—The expenses of the Board of Agriculture and Fisheries under this Act so far as not recovered in manner provided by this Act shall to such an amount as the Treasury may sanction be defrayed out of moneys provided by Parliament.

23. *Short title, construction, and definitions.*—(1) This Act may be cited as the Land Drainage Act, 1918.

(2) This Act shall be construed as one with the principal Act.

(3) In this Act the expression "prescribed" means prescribed by regulations made by the Board of Agriculture and Fisheries, the expression "drainage" includes defence against water, and the expression "navigation authority" means any person or body of persons having powers under any Act of Parliament to work or maintain a canal or other inland navigation.

### SCHEDULES.

[Sections 1, 2 (3), 7 (1).]

#### PART I.

##### PROCEDURE FOR MAKING ORDERS.

(1) Before making an order the Board shall cause notice of the intention to make the order and of the place where copies of the draft order may be inspected and obtained, and of the time within and manner in which objections to the draft order may be made, to be published in the *London Gazette* and in such other manner as they think best adapted for informing persons affected, and to be sent to the council of every county or county borough in which any part of the area proposed to be affected by the order is situate and to every drainage authority or navigation authority which is known to the Board to be exercising jurisdiction within the area proposed to be affected by the order.

(2) Before making an order the Board shall consider any objections which may be duly made to the draft order and may in any case cause a public local inquiry to be held with respect to any objections to the draft order.

(3) After an order has been settled and made by the Board it shall be published in such a manner as they think best adapted for informing persons affected with notice that the Board have settled the order, and that the order will become final and have effect as an Act of Parliament unless within such period, not being less than thirty days as may be stated in the notice, a memorial is presented to the Board by some person or body affected by the order and having such interest as may be

prescribed as being sufficient for the purpose praying that the order shall not become law without confirmation by Parliament.

(4) If no such memorial has been presented within such period as aforesaid or if every such memorial has been withdrawn, the Board shall confirm the order and the order shall thereupon have effect as if enacted in this Act, but if any such memorial has been presented and has not been withdrawn the order shall be provisional only and shall have no effect unless and until confirmed by Parliament.

### PART II.

#### PROVISIONAL ORDERS.

(1) The Board may submit to Parliament for confirmation any provisional order made by them in pursuance of this Act.

(2) If, while the Bill confirming any such order is pending in either House of Parliament, a petition is presented against any order comprised therein, the Bill, so far as it relates to such order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of Private Bills.

(3) The Board may revoke, either wholly or partially, any provisional order made by them before the order is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament.

### PART III.

#### GENERAL.

(1) The making and confirmation of an order shall be *prima facie* evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making and confirmation of such order have respectively been complied with.

(2) The Board may make regulations in relation to the publication of notices and advertisements under this schedule and to the holding of and procedure at public local inquiries under this schedule and to any other matters of procedure respecting the making of orders under this Act.

### SECOND SCHEDULE.

[Section 14.]

#### PART I.

##### AMENDMENTS OF THE LAND DRAINAGE ACT, 1861.

Section amended	Amendment.
Section 29 Section 38	After "one thousand pounds" there shall be inserted "or an amount equal to one pound for each acre in the area within which a rate will require to be levied to meet the expenditure involved, whichever amount is the greater."
Section 34	At end there shall be inserted "Provided that if the person whose obligation is proposed to be commuted does not assent to the proposed commutation, notice of the proposed commutation and of the time within which objection thereto may be presented shall be given to that person, and before such consent as aforesaid is given to the commutation any objection which is duly presented shall be considered."
Section 47	There shall be omitted the words "it is made" and the words "nor unless" where they first occur.
Section 67	After "cease" there shall be inserted "except so far as the provisional order constituting the district may otherwise provide."
Section 71	After the words "Part two of this Act and" there shall be inserted the words "the order or."

### PART II.

##### PROVISIONS OF THE LAND DRAINAGE ACT, 1861, REPEALED.

Section 15, from "sewers" to the end of the section, and sections 59, 63, 64, and 65.

### CHAPTER 19.

#### SUMMARY JURISDICTION (IRELAND) ACT, 1918.

An Act to amend sections eleven and thirty-four of the Petty Sessions (Ireland) Act, 1851, and section ten of the Fines Act (Ireland), 1851. [30th July, 1918.]

### CHAPTER 19.

#### DEPUTY LIEUTENANTS ACT, 1918.

An Act to amend the Law with respect to the qualifications of Deputy Lieutenants. [30th July, 1918.]

Be it enacted, &c.:

1. *Qualifications of deputy lieutenants.*—(1) So much of the Militia Act, 1882 (45 & 46 Vict., c. 49), as prescribes the qualifications to be

possessed by persons appointed to be deputy lieutenants in Great Britain, shall cease to have effect, and after the passing of this Act a person may be appointed to be a deputy lieutenant of a county in Great Britain if he possesses the following qualifications:—

(a) He must have a place of residence in the county or within seven miles thereof;

(b) He must be shown to the satisfaction of a Secretary of State to have rendered worthy service as a member of, or in a civil capacity in connection with, His Majesty's naval, military, or air forces.

(2) The Militia Act, 1882, so far as it relates to Great Britain, is hereby repealed to the extent mentioned in the schedule to this Act.

2. *Short title.*—This Act may be cited as the Deputy Lieutenants Act, 1918.

#### SCHEDULE.

##### PROVISIONS OF MILITIA ACT, 1882, REPEALED.

In sub-section (1) of section thirty the words "living within the county and qualified as provided by this Act."

Section thirty-three.

In section thirty-four, sub-sections (1) and (3), and the words "shall send to the lieutenant of the county a copy of every such description delivered to him, and shall enter any such description on a roll to be kept for that purpose and"

Section thirty-five.

#### CHAPTER 20.

##### LABOURERS (IRELAND) ACT, 1918.

An Act to suspend the operation of section fifteen of the Labourers (Ireland) Act, 1883. [30th July, 1918.]

#### CHAPTER 21.

##### EXPIRING LAWS CONTINUANCE ACT, 1918.

An Act to continue certain Expiring Laws. [30th July, 1918.]

#### CHAPTER 22.

##### PARLIAMENT AND LOCAL ELECTIONS ACT, 1918.

An Act to make further provision for the prolongation of the present Parliament, and the postponement of Local Elections. [30th July, 1918.]

Be it enacted, &c.:—

1. *Further prolongation of present Parliament.*—Sub-section (1) of section one of the Parliament and Registration Act, 1916 [5 & 6 Geo. 5, c. 100], shall have effect as if eight years were substituted therein for five years and eight months; and section one of the Parliament and Local Elections (No. 2) Act, 1917 [7 & 8 Geo. 5, c. 50], is hereby repealed.

2. *Further postponement of local elections.*—(1) The next statutory elections of county and borough councillors, district councillors, guardians, and parish councillors shall, subject to the limitations hereinafter contained, be postponed, or, in the case of elections already postponed under the Elections and Registration Act, 1915 [5 & 6 Geo. 5, c. 76], the Parliament and Local Elections Act, 1916 [6 & 7 Geo. 5, c. 44], the Parliament and Local Elections Act, 1917 [7 & 8 Geo. 5, c. 13], or the Parliament and Local Elections (No. 2) Act, 1917, further postponed, for a year; and the term of office of the existing councillors and guardians shall accordingly be extended, or further extended, by one year.

This provision shall apply only where the next statutory election (whether a postponed election or not) would take place before the first day of March nineteen hundred and nineteen in Great Britain, and before the fifteenth day of March nineteen hundred and nineteen in Ireland.

(2) Section two of the Elections and Registration Act, 1915, and paragraphs (2) to (10) (inclusive) of the Schedule to the Parliament and Local Elections Act, 1917, subject to the substitution in paragraph (7) of four years for three years as the period by which the term of office of an alderman of a municipal borough is extended, and except the provisions of paragraph (10) relating to the revision of jurors lists in Ireland, shall be deemed to be incorporated in this section as though they were set out therein, and expressly made applicable to the provisions thereof.

3. *Short title.*—This Act may be cited as the Parliament and Local Elections Act, 1918.

#### CHAPTER 23.

##### JURIES ACT, 1918.

An Act to limit the right to a jury in certain civil cases, to raise the age for jury service, to amend the Law with respect to the preparation and publication of jury lists, and to enable coroners' inquests in certain cases to be held without a jury. [30th July, 1918.]

Be it enacted, &c.

1. *Limitation of jury trials in the High Court.*—Subject to the provisions of this Act every action, counter-claim, issue, cause, or matter, in the High Court in England requiring to be tried shall be tried by a judge alone without a jury:

Provided that—

(a) nothing in this section shall affect any power to order a trial by two or more judges or by a judge sitting with assessors, or by an official or special referee with or without assessors, or by an officer of the court; and

(b) in the case of any action, counter-claim, issue, cause, or matter in which fraud is alleged or in which there is a claim in respect of libel, slander, malicious prosecution, false imprisonment, seduction, or breach of promise of marriage, either party shall on making application for the purpose in accordance with rules of court be entitled as of right to a trial with a jury; and

(c) if it appears to the court or a judge that any action, counter-claim, cause, or matter or any question or issue therein, is more fit to be tried with a jury than without a jury, the court or a judge may, on application for the purpose made by any party in accordance with rules of court, order accordingly; and

(d) nothing in this section shall affect the right of any party under section twenty-eight of the Matrimonial Causes Act, 1857 [20 & 21 Vict. c. 85], to insist on having contested matters of fact tried with a jury, or the right of an heir at law, cited to appear in or otherwise made a party to a probate action, to a trial with a jury if he makes an application for the purpose in accordance with rules of court.

2. *Assessment of damages.*—Notwithstanding any provision in any rules of court directing that on a judgment in default of appearance or defence a writ of enquiry shall issue to assess the damages or value of goods and damages, or either of them, or any mesne profits, arrears of rent, double value or damages, such a writ shall not issue without the leave of the court or a judge, and, where such leave is not given, the damages, value, mesne profits or arrears shall be assessed by a master or a district registrar, or in such other manner as the court or a judge may direct:

Provided that where the claim is in respect of fraud, slander, malicious prosecution, false imprisonment, seduction, or breach of promise of marriage, either party shall, on application made in accordance with rules of court, be entitled to insist on the issue of a writ of enquiry.

3. *Limitation of jury trials in the county courts.*—Notwithstanding anything in section one hundred and one of the County Courts Act, 1888 [51 & 52 Vict. c. 43], it shall not be lawful for any party in the County Court in England (including the City of London Court), to require a jury to be summoned to try an action unless the amount claimed exceeds five pounds and the claim or counter-claim, if any, is one in the case of which under the provisions of this Act either party would, if it were tried in the High Court, be entitled to a trial with a jury:

Provided that if it appears to the judge that any action or counter-claim is more fit to be tried with a jury than without a jury he may in his discretion on the application of either party made in accordance with rules of court order accordingly.

4. *Limitation of jury trials in other inferior courts of civil jurisdiction.*—Where under any statute, rule, or practice, in force immediately before the commencement of this Act, any civil action, counter-claim, issue, cause, or matter in any inferior court of civil jurisdiction other than a county court, would be tried with a jury, that action, counter-claim, issue, cause, or matter shall be tried by the judge of the court, or one of the judges thereof if there be more than one, without a jury:

Provided, that—

(a) where by reason of the nature of the proceeding or any allegation therein either party would if the proceedings were in the High Court be entitled under the provisions of this Act to a trial with a jury, either party shall on application for that purpose made in accordance with rules of court be entitled to a trial with a jury; and

(b) if the judge, or one of the judges of the court, is of opinion that the action, counter-claim, issue, cause, or matter is more fit to be tried with a jury than without a jury, he may in his discretion on an application made by either party in accordance with rules of court order accordingly.

5. *Extension of age for jury service.*—Sixty-five years shall be substituted in section one of the Juries Act, 1825 [6 Geo. 4, c. 50], for sixty years as the age at which liability to serve upon a jury shall cease, and that section shall have effect accordingly.

6. *Power by Order in Council to modify statutory provisions relating to the preparation and publication of jury lists.*—(1) His Majesty may by Order in Council modify in such manner as he thinks advisable for the purpose of avoiding unnecessary expense and labour any of the provisions of the Juries Act, 1825, or the Juries Act, 1862 [25 & 26 Vict. c. 107], as to the preparation of the lists of men qualified and liable to serve on juries, so as to provide that any such list may be prepared by altering or supplementing the last previous list and as to the place and manner of publication thereof.

(2) Any Order in Council made under this section may be varied or revoked by any subsequent Order so made and shall cease to have effect on the expiration of this Act.

7. *Power to hold coroner's inquest without jury.*—(1) Subject to the provisions of this section, a coroner within whose jurisdiction the dead body of a person is lying, if he is satisfied that having regard to all the circumstances of the case it is proper so to do, may, in lieu of summon-



ing a jury in manner required by section three of the Coroners Act, 1887 [50 & 51 Vict. c. 71], for the purpose of inquiring into the death of that person, hold an inquest on the body without a jury:

Provided that—

(a) the foregoing provision shall not apply in any case in which the death has occurred in prison or in such place or under such circumstances as to require an inquest under any Act other than the Coroners Act, 1887; and

(b) if before proceeding to hold an inquest or in the course of holding an inquest without a jury there appears to the coroner to be any reason for summoning a jury he may, and, if there appears to him to be any reason to suspect that the deceased came by his death by murder or manslaughter, he shall proceed to summon a jury in the manner required by the Coroners Act, 1887.

(2) The procedure at an inquest, or at any part of an inquest, which is held without a jury shall be in accordance with existing practice and the provisions of the Coroners Act, 1887, subject to such modifications as are rendered necessary by the absence of a jury or as the Lord Chancellor may prescribe. The inquisition on an inquest which, or any part of which, is held without a jury shall be in such form as the Lord Chancellor may prescribe, and where the whole inquest is held without a jury the inquisition shall be under the hand of the coroner alone.

(3) Where an inquest or any part of an inquest is held without a jury anything done at the inquest or at that part of the inquest by or before the coroner alone shall be as validly done as if it had been done by or before the coroner and a jury.

8. *Short title, extent, and duration.*—(1) This Act may be cited as the Juries Act, 1918.

(2) This Act shall not extend to Scotland or Ireland.

(3) This Act shall have effect during the continuance of the present war and for a period of six months thereafter.

## CHAPTER 24.

### FLAX COMPANIES (FINANCIAL ASSISTANCE) ACT, 1918.

An Act to enable Companies and other bodies to give Financial Assistance to Flax Companies. [30th July, 1918.]

Whereas the extension of the cultivation of flax and the provision of increased supplies thereof is essential for various purposes of national importance, including purposes connected with the present war, and it is expedient that the giving of financial assistance to companies concerned in such cultivation and provision should be facilitated:

Be it therefore enacted, &c.:—

1. *Power for companies, &c., to give financial assistance to flax companies and to borrow for that purpose.*—Any company, association or body of persons, notwithstanding anything contained in any Act, Order or instrument, by or under which it is constituted or regulated, shall, subject to the consent of the Board of Trade, have power, if so determined by a resolution passed at a general meeting of the company, association, or body of persons—

(i) during the continuance of the present war, and a period of twelve months thereafter—

(a) to subscribe for, take, purchase, or otherwise acquire, hold, sell, and dispose of shares, stock, or other securities of any limited liability company formed or to be formed, and having for its principal object the cultivation of flax or the provision of supplies thereof, or the promotion of such cultivation or provision;

(b) to lend money to any such company;

(c) to guarantee, or join with others in guaranteeing, any debts, obligations, or liabilities, present or future, of any such company;

(d) to give financial assistance in any other form to any such company;

(e) to apply any of their funds or, with the consent of the Treasury, to borrow for the purpose of any such acquisition of shares, stock, or other securities, loan of money, guarantee, or financial assistance as aforesaid: Provided always that the power to borrow money conferred by this Act shall not operate so as to increase the total amount of money which such company, association, or body of persons is authorized to borrow; and

(ii) after the expiration of the said period of twelve months to hold, sell, or dispose of any such shares, stock, or other securities, and continue or renew any such loan, guarantee, or other financial assistance, or any such borrowing as aforesaid.

2. *Short title.*—This Act may be cited as the Flax Companies (Financial Assistance) Act, 1918.

## CHAPTER 25.

### WAR LOAN ACT, 1918.

An Act to make further provision for raising Money for the present War, and to amend the War Loan (Supplemental Provisions) Act, 1915.

[30th July, 1918.]

Be it enacted, &c.:—

1. *Issue of new war loan.*—(1) Any money required for the raising of any supply granted to His Majesty for the service of the year ending the thirty-first day of March nineteen hundred and nineteen, and, in addition, of a sum not exceeding two hundred and fifty million pounds,

or for the raising of any sum required for cancelling securities or Treasury bills under the powers of this Act, may be raised in such manner as the Treasury think fit, and for that purpose they may create and issue any securities by means of which any public loan has been raised or may be raised, or such other securities bearing such rate of interest and subject to such conditions as to repayment, redemption, or otherwise, as they think fit.

(2) For the purpose of making the statutory provisions applicable to former war loans applicable to the war loan under this Act, sub-sections (2) and (3) of section one of the War Loan Act, 1914 [4 & 5 Geo. 5, c. 60], and sub-sections (2) and (3) of section fourteen of the Finance Act, 1914 (Session 2) [5 & 6 Geo. 5, c. 7], shall apply to any sums or loan raised or any securities issued under this Act as they apply to sums or loans raised or stock issued under the War Loan Act, 1914; and sub-sections (3), (4), and (5) of section one of the War Loan Act, 1915 [5 & 6 Geo. 5, c. 55], shall apply with respect to the issue of securities under this Act and to securities issued under that Act as they apply with respect to the issue of securities under that Act and to securities issued under that Act, and in those sub-sections as so applied any reference to war stock, war bonds, or securities issued under the War Loan Act, 1914, shall be deemed to include a reference to securities issued under the War Loan Act, 1915, section fifty-eight of the Finance Act, 1916 [6 & 7 Geo. 5, c. 24], the War Loan Act, 1916 [6 & 7 Geo. 5, c. 67], and the War Loan Act, 1917 [7 & 8 Geo. 5, c. 41].

(3) There shall be paid to the Banks of England and Ireland respectively out of the Consolidated Fund or the growing produce thereof, for the management in every financial year of any securities issued under this Act, such sums as may be agreed upon between the Treasury and those banks respectively.

(4) Any expenses incurred in connection with the redemption of any securities issued under this Act shall be charged on and paid out of the Consolidated Fund or the growing produce thereof.

### 2. *Amendment of War Loan (Supplemental Provisions) Act, 1915.*—

(1) Regulations made under section one or section five of the War Loan (Supplemental Provisions) Act, 1915 [5 & 6 Geo. 5, c. 93] (in this section referred to as "the said Act"), may contain a provision directing that all or any of the provisions of the regulations shall, with such modifications as appear necessary or expedient, apply and be deemed always to have applied as respects stock or securities issued or money raised, as the case may be, before the date on which the regulations came into force, as they apply to stock or securities issued or money raised after that date.

(2) Section one of the said Act shall have effect, and shall be deemed always to have had effect, subject to the following modifications:—

(a) The following shall be substituted for sub-section (1) thereof:—

"(1) The Treasury may provide for the establishment of a Post Office register (in this Act referred to as the 'register') and may direct that any stock or securities issued in connection with any loan raised for the purposes of the present war, and not inscribed or not registered in the names of individual holders in the books of the Bank of England or the Bank of Ireland, shall be inscribed or registered in the register";

(b) There shall be inserted after the word "stock" wherever it occurs the words "or securities";

(c) There shall be inserted after the word "inscribed" wherever it occurs the words "or registered."

(3) Sections two and four of the said Act shall have effect, and shall be deemed always to have had effect, as though there were inserted therein after the word "inscribed" the words "or any securities registered" and after the word "stock," where that word secondly occurs in each section, the words "or securities."

(4) Section five of the said Act shall have effect, and shall be deemed always to have had effect, as though there were inserted therein after the words "under the War Loan Act, 1915," the words "or under any subsequent Act authorizing the raising of any money for the purpose of the present war," and as though for the words "relating to deposits in savings banks" there were substituted the words "relating to the Post Office, to savings banks, to the Post Office register, or to any other matter under the administration of the Postmaster-General, or of any regulations made under any such Act."

(5) The said Act as amended by this Act shall extend to the Channel Islands and to the Isle of Man, and the Royal Courts of the Channel Islands shall register the same.

3. *Short title and citation.*—This Act may be cited as the War Loan Act, 1918, and the War Loan Act, 1914 to 1917, and section one of this Act may be cited together as the War Loan Acts, 1914 to 1918, and the War Loan (Supplemental Provisions) Act, 1915, and section two of this Act may be cited together as the War Loan (Supplemental Provisions) Acts, 1915 and 1918.

## CHAPTER 26.

### SMALL HOLDING COLONIES (AMENDMENT) ACT, 1918.

An Act to authorize an increase in the Amount of Land which may be acquired for the purposes of the Small Holding Colonies Act, 1916, and otherwise to amend that Act. [30th July, 1918.]

Be it enacted, &c.

1. *Increase in area of land which may be acquired for purposes of s. 1 of 6 & 7 Geo. 5, c. 38.*—Subject to the provisions of this section, sub-section (3) of section one of the Small Holding Colonies Act, 1916

(hereinafter referred to as "the principal Act"), which limits the area of the land which may be acquired by the Board of Agriculture and Fisheries for the purposes of that section, shall have effect as if forty-five thousand acres were therein substituted for four thousand five hundred acres, twenty thousand acres for two thousand acres, and sixty thousand acres for six thousand acres, provided that for the purposes of the acquisition, equipment, and settlement of the area hereby authorized to be acquired by the Board of Agriculture and Fisheries, the Board may, as respects any county, with the consent of the council of that county, employ that council as their agents, and vest in them all or any of the powers hereby or by the principal Act conferred upon them, in addition to those vested in such council by virtue of the Small Holdings and Allotments Act, 1908 [8 Edw. 7, c. 36], and paragraph (c) of section eleven of the principal Act, which limits the area of the land which may be acquired by the Board of Agriculture for Scotland for the purposes of the said section one, shall have effect as if twenty thousand acres were therein substituted for two thousand acres:

Provided that where land which is to be acquired for the purposes of the said section one could not, if this Act had not been passed, have been acquired for that purpose without making the total area of the land for the time being so acquired exceed the amount authorized to be so acquired, the land shall not be acquired otherwise than by taking the same on lease, or by purchasing it in consideration of the grant of a rentcharge or other annual payment, or by taking the same in feu:

Provided also that no portion of the additional land authorized by this Act to be acquired by the Board of Agriculture and Fisheries shall be so acquired except after consultation with the chairman of the council of the county in which the land proposed to be acquired is situate, or with a committee of that council.

**2. Short title and citation.**—This Act may be cited as the Small Holding Colonies (Amendment) Act, 1918, and the principal Act and this Act may be cited together as the Small Holding Colonies Acts, 1916 and 1918.

#### CHAPTER 27.

##### PUBLIC WORKS LOANS ACT, 1918.

An Act to grant Money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans.

[8th August, 1918.]

#### CHAPTER 28.

##### GOVERNMENT WAR OBLIGATIONS ACT, 1918.

An Act to make provision with respect to Obligations incurred by or on behalf of His Majesty's Government for the purpose of the present War or in connection therewith.

[8th August, 1918.]

Be it enacted, &c. :—

**1. Extension of s. 1 of the Government War Obligations Act, 1914, 5 Geo. 5, c. 11.**—(1) Section one of the Government War Obligations Act, 1914, which, as extended by section one of the Government War Obligations Act, 1915 [5 & 6 Geo. 5, c. 96], and section one of the Government War Obligations Act, 1916 [6 & 7 Geo. 5, c. 70], relates to the provision of money for the fulfilment of Government war obligations incurred before the passing of the last-mentioned Act, shall be further extended so as to include the provision in the like manner of money for the fulfilment of any Government war obligations incurred before the passing of this Act.

(2) The Schedule to the Government War Obligations Act, 1914 (which as extended by the Government War Obligations Act, 1915, and the Government War Obligations Act, 1916, sets out the Government war obligations), shall be further extended so as to include obligations incurred in connection with the present war in respect of undertakings given to any foreign State for the purpose of obtaining the release of cargoes on board enemy vessels interned in the harbours of that State.

**2. Short title and citation.**—This Act may be cited as the Government War Obligations Act, 1918, and the Government War Obligations Acts, 1914 to 1916, and this Act may be cited together as the Government War Obligations Acts, 1914 to 1918.

#### CHAPTER 29.

##### MATERNITY AND CHILD WELFARE ACT, 1918.

An Act to make further provision for the Health of Mothers and Young Children.

[8th August, 1918.]

Be it enacted, &c. :—

**1. Powers of local authorities with respect to maternity and child welfare.**—Any local authority within the meaning of the Notification of Births Act, 1907 [7 Edw. 7, c. 40], may make such arrangements as may be sanctioned by the Local Government Board, for attending to the health of expectant mothers and nursing mothers, and of children who have not attained the age of five years and are not being educated in schools recognised by the Board of Education:

Provided that nothing in this Act shall authorize the establishment by any local authority of a general domiciliary service by medical practitioners.

**2. Maternity and child welfare committees.**—(1) Every council in England and Wales exercising powers under this Act or under section two of the Notification of Births (Extension) Act, 1915 [5 & 6 Geo. 5, c. 64], shall establish a maternity and child welfare committee, which

may be an existing committee of the council or a sub-committee of an existing committee, and all matters relating to the exercise of the powers of the council under this Act or under the Notification of Births (Extension) Act, 1915 (except the power of raising a rate or of borrowing money), shall stand referred to such committee, and the council, before exercising any such powers, shall, unless in their opinion the matter is urgent, receive and consider the report of the maternity and child welfare committee, with respect to the matter in question, and the council may also delegate to the maternity and child welfare committee, with or without restrictions or conditions as they think fit, any of their powers under that Act or this Act, except the power of raising a rate or of borrowing money.

(2) The council may appoint as members of the committee persons specially qualified by training or experience in subjects relating to health and maternity who are not members of the council, but not less than two-thirds of the members of every maternity and child welfare committee shall consist of members of the council, and at least two members of every such committee shall be women, and where the duties of the maternity and child welfare committee are discharged by an existing committee or sub-committee any members appointed under this provision who are not members of the council shall act only in connection with maternity and child welfare.

(3) The committee established under this section shall take the place of any committee appointed under sub-section (2) of section two of the Notification of Births (Extension) Act, 1915, and the provisions of that sub-section relating to the exercise of powers by a committee shall cease to have effect.

(4) A committee established under this section may, subject to any directions of the council, appoint such and so many sub-committees, consisting either wholly or partly of members of the committee, as the committee thinks fit.

**3. Expenses.**—The expenses of any council in England and Wales under this Act shall be defrayed in the same manner as expenses under the Notification of Births Acts, 1907 and 1915, and the purposes of this Act shall be purposes for which a sanitary authority in London may borrow under sub-section (2) of section one hundred and five of the Public Health (London) Act, 1891 [54 & 55 Vict., c. 761]:

Provided that a county council may, if they think fit, charge all expenses under this Act or those Acts as general county expenses subject to the condition that, if any district council within the county has provided for its district a similar service to that provided by the county council for other parts of the county, the county council shall pay to the district council the amount raised by the county council in the district in respect of such service. Any question that may arise between a county council and a district council under this proviso shall be determined by the Local Government Board.

**4. Amendment of s. 3 of 5 & 6 Geo. 5, c. 64.**—Section three of the Notification of Births (Extension) Act, 1915, shall be read as if the following words were inserted at the end of paragraph (b) of sub-section (1) and paragraph (b) of sub-section (2) thereof, namely:—

"and for the purpose of any such arrangements may, subject to the sanction aforesaid, exercise the like powers as they are entitled to exercise for the purpose of the provision of hospitals."

**5. Short title and application.**—(1) This Act may be cited as the Maternity and Child Welfare Act, 1918.

(2) This Act, except the section thereof providing for the amendment of section three of the Notification of Births (Extension) Act, 1915, shall not apply to Scotland or Ireland.

#### CHAPTER 30.

##### NAVAL PRIZE ACT, 1918.

An Act to amend the Law relating to Naval Prize of War.

[8th August, 1918.]

Be it enacted, &c. :—

**1. Application of proceeds of prizes being the droits of the Crown.**—

(1) If His Majesty is pleased by Proclamation or Order in Council to signify his intention to make a grant of prize money out of the proceeds of prize captured in the present war, the sums which have been or may be received in respect of ships and goods captured during the present war specified in Part I. of the schedule to this Act shall (subject as respects money in any prize court to the assent of that court) be paid as and when the Treasury and Admiralty jointly direct into a separate fund to be called the Naval Prize Fund, and there shall be charged on and payable out of the Naval Prize Fund all such costs, charges, expenses, and claims as are mentioned in Part II. of the said schedule, and any question whether any sum is payable into or out of that fund shall be determined by the Tribunal hereinafter constituted.

(2) Subject to the payment of such costs, charges, expenses, and claims as aforesaid, such sum as may be required for the payment of prize money under this Act shall be a first charge on the Naval Prize Fund, and such prize money shall be of such amounts and payable to such members of His Majesty's Naval and Marine forces as hereinafter defined, or in the case of their death their representatives, and in such manner, as His Majesty may by Proclamation or Order in Council determine.

(3) The residue of the said Fund may be applied towards any of the purposes for which provision may be made by Greenwich Hospital, and also, subject to regulations made by the Admiralty, may be applied for the benefit of members and dependants of members of forces raised and



provided by the Governments of parts of His Majesty's dominions outside the United Kingdom.

(4) Section seventeen of the Naval Agency and Distribution Act, 1864 [27 & 28 Vict. c. 24] (which requires forfeited and unclaimed shares and balances of prize money, and a percentage of the proceeds of prize and prize money to be carried to the naval prize cash balance), shall not apply to sums payable into the Naval Prize Fund or to any prize money payable out of that Fund, but any forfeited and unclaimed shares and balances of such prize money may be applied for the purposes for which the residue of the said Fund is applicable, without prejudice, however, to the rights of any person who may subsequently establish a claim thereto, and no ship's agent shall be entitled to any share in the money so distributed, anything in section nineteen of the Naval Agency and Distribution Act, 1864, to the contrary notwithstanding; but, save as aforesaid, and subject to the provisions of this Act with respect to the investment of funds standing to the credit of the Naval Prize Fund, the Naval Agency and Distribution Act, 1864, shall so far as applicable apply to the sums distributable out of the Naval Prize Fund and the distribution of those sums.

(5) The Naval Prize Fund shall be under the control of the Admiralty, and payments into and out of that fund and all matters relating to the fund shall be made and regulated in such manner as the Admiralty direct, and any sum standing to the credit of the Fund may be temporarily invested in such manner as the Treasury may authorize, and the accounts of the receipts and expenditure of the fund shall be made up at such times, in such form, and with such particulars as may be directed by the Treasury, and shall be audited by the Comptroller and Auditor General as public accounts in accordance with such regulations as the Treasury may make and shall be laid before Parliament together with his report thereon.

(6) For the purposes of this Act the expression "goods" has the same meaning as in the Naval Prize Act, 1864 [27 & 28 Vict. c. 25], and the expression "members of His Majesty's Naval and Marine Forces" includes persons who are or have been members of His Majesty's Naval and Marine forces, and officers and members of the crews of His Majesty's ships of war, and the expressions "His Majesty's Naval and Marine Forces" and "His Majesty's ships of war," include forces and ships raised and provided by the Governments of any part of His Majesty's Dominions outside the United Kingdom, and the latter expression further includes any ship or vessel engaged in the naval service of His Majesty whether belonging to His Majesty or not, which the Admiralty declare is a ship of war for the purposes of this section, either generally or during such period or whilst engaged on such service as may be specified by the Admiralty.

**2. Constitution of tribunal.**—(1) For the purposes of this Act there shall be constituted a tribunal, in this Act referred to as the tribunal, consisting in the first instance of the following persons, namely, the Right Honourable Walter George Frank Baron Phillimore of Shiplake (who shall be chairman), Admiral of the Fleet, Sir George Astley Callaghan, G.C.B., G.C.V.O., and the Right Honourable Sir Guy Douglas Arthur Fleetwood-Wilson, G.C.I.E., K.C.B., K.C.M.G., and if any vacancy occurs amongst the members of the tribunal it shall be lawful for His Majesty to appoint a person to fill the vacancy:

Provided that in the case of a vacancy in the chairmanship the person appointed to fill the vacancy shall be a person who holds or has held high judicial office within the meaning of the Appellate Jurisdiction Act, 1876 [39 & 40 Vict. c. 59], as amended by the Appellate Jurisdiction Act, 1887 [50 & 51 Vict. c. 70], and provided that at least one member of the tribunal shall be an officer of the Royal Navy or Royal Marines.

(2) The tribunal may act by two of its members notwithstanding a vacancy in its members, and may make rules regulating its own procedure and shall have a seal which can be judicially noticed.

(3) The tribunal may appoint a clerk who shall receive such salary or other remuneration as the Treasury may determine.

(4) The tribunal shall have all such powers, rights, and privileges as are vested in the High Court or in any judge thereof, on the occasion of any action, in respect of the following matters:—

(a) The enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise, and the issue of a commission or a request to examine witnesses abroad; and

(b) The compelling the production of documents; and

(c) The punishing persons guilty of contempt;

and a summons signed by the chairman of the tribunal may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

**3. Provisions as to prize bounty.**—(1) The percentage of the sums distributable as prize bounty payable to ships' agents by way of remuneration shall be such percentage not exceeding one per cent. as the Prize Court may having regard to the expense and trouble involved determine to be just.

(2) The persons entitled to share in the distribution of any prize bounty under section forty-two of the Naval Prize Act, 1864, shall include and shall be deemed as from the commencement of the present war to have included the officers and crew of such of His Majesty's aircraft, operating under the directions of the Admiralty, as are determined by the Prize Court to have been actually present at, and to have assisted in, the taking or destroying of an armed ship of any of His Majesty's enemies.

**4. Payment of prize money and prize bounty in certain cases.**—Where, in pursuance of the Navy and Marines (Property of Deceased) Act, 1865 [28 & 29 Vict. c. 111], on the death of any person being or having been an officer seaman or marine, the amount to the credit of the deceased in the books of the Admiralty in respect of moneys payable by the Admiralty, being an amount not exceeding one hundred pounds, has been disposed of without representation to the deceased being taken out, and subsequently in consequence of an award of prize money or prize bounty there becomes payable to the estate of the deceased an amount less than one hundred pounds, the amount of such money or bounty may be disposed of by the Admiralty if they think fit in accordance with the said Act without requiring representation to the deceased to be taken out, notwithstanding that the amount of the money or bounty is such that when added to the other sums previously paid by the Admiralty the aggregate exceeds one hundred pounds.

**5. Short title and savings.**—(1) This Act may be cited as the Naval Prize Act, 1918.

(2) Nothing in this Act shall be construed as prejudicing or affecting any prerogative or right of His Majesty to grant or release any ship or goods subject to prize jurisdiction, or the proceeds of sale thereof, or money representing the same, or to grant or release any droits of the Crown.

## SCHEDULE.

### [Section 1 (4).]

#### PART I.

##### PAYMENTS INTO THE NAVAL PRIZE FUND.

(1) Any money in court paid in respect of any ship or goods condemned by any prize court, whether in the United Kingdom or elsewhere, being droits of the Crown, together with any accumulations of interest accrued on any such money.

(2) Where any ship or goods condemned by any prize court, being droits of the Crown, have, whether before or after the condemnation, been delivered to the Crown with or without the payment of any money into court or any undertaking to pay any money into court, a sum equal to the value of the ship or goods at the date of delivery together with interest from the date of such delivery, after deducting any money which has been paid into court, or which may be payable under any such undertaking in respect of the ship or goods in question.

(3) Any sum paid in pursuance of any bond agreement or undertaking executed or given in favour of the Crown in respect of any ship or goods subject to prize jurisdiction which are droits of the Crown or which if condemned would have been droits of the Crown or in respect of the proceeds of sale or money representing any such ship or goods, or in consideration for any money paid out of the Naval Prize Fund.

(4) Any sums received from any of His Majesty's Allies under any convention relating to prizes captured during the present war.

(5) Any other sums received in respect of ships and goods subject to prize jurisdiction which the tribunal consider may reasonably be treated, having regard to the principles and practice heretofore observed by prize courts, as being sums to which, had there been a grant of prize to captors, captors would have been entitled.

#### PART II.

##### CHARGES ON NAVAL PRIZE FUND.

(1) All expenses (not otherwise recovered) incurred by any prize court, or incurred in connection with, or with a view to prize proceedings (other than legal expenses), in relation to ships and goods in the custody of the court which are droits of the Crown or which if condemned would have been droits of the Crown, whether the same are condemned or are released, and whether such expenses were incurred before or after condemnation, except where, having regard to the special circumstances of the case, the tribunal may otherwise direct.

(2) Any reward or remuneration awarded to any officer or person seizing or taking any ship or goods or part thereof which are droits of the Crown or which if condemned would have been droits of the Crown, or giving information in relation thereto, or leading to the condemnation thereof.

(3) Any sum payable to any of His Majesty's Allies under any convention relating to prizes captured during the present war.

(4) Any claims in respect of any ship or goods subject to prize jurisdiction, which are droits of the Crown or which if condemned would have been droits of the Crown, or of the proceeds of sale of, or money representing, any such ship or goods which the Treasury on the recommendation of the Prize Claims Committee may have paid or may hereafter pay, being claims of a nature that had they been established in prize proceedings would have been ordered by a prize court to be paid by the persons entitled to the ship or goods, or out of the money representing the same.

(5) Any other costs, charges, expenses and claims which the tribunal consider may reasonably be treated, having regard to the principles and practice heretofore observed by prize courts, as being costs, charges, and claims which, had there been a grant of prize to captors, captors would have been liable to pay.

(6) The remuneration of the clerk of the tribunal and any other expenses of the tribunal to such amount as the Treasury may sanction.

## CHAPTER 31.

## TRADING WITH THE ENEMY (AMENDMENT) ACT, 1918.

An Act to amend the enactments relating to Trading with the Enemy, and to extend temporarily certain of those enactments to the carrying on of banking business after the termination of the present war.

[8th August, 1918.]

Be it enacted, &c. :—

1. *Power to order winding-up of companies of enemy nationality or association.*—In any case where the Board of Trade have before the passing of this Act made, or hereafter make, an order under the Trading with the Enemy Amendment Act, 1916 [5 & 6 Geo. 5, c. 105], (in this Act referred to as the principal Act), requiring the business of a company to be wound up, the Board may make an order requiring the company to be wound up and appointing a liquidator to conduct the winding-up; and on the making of such an order the company shall be wound up as if it had on the date of the order passed a special resolution for voluntary winding-up and had appointed as liquidator the person named as liquidator in the order; and the provisions of the Companies (Consolidation) Act, 1908 [8 Edw. 7, c. 69], shall apply accordingly subject to the modifications set forth in the Schedule to this Act.

2. *Restrictions on carrying on banking businesses for the benefit of or under the control of enemies after the war.*—(1) During the period of five years immediately after the termination of the present war and thereafter until Parliament otherwise determine no banking business shall be carried on within the United Kingdom—

(a) by a company which is an enemy controlled corporation within the meaning of this Act; or

(b) by a firm or individual, if the business carried on is one with respect to which, if a state of war still continued, an order for the winding up thereof could have been made under section one of the principal Act;

and if any person is concerned in carrying on any such business in contravention of this provision he shall be guilty of a misdemeanour punishable in like manner and subject to the like provisions as in the case of a misdemeanour under section one of the Trading with the Enemy Act, 1914 [4 & 5 Geo. 5, c. 87], and that section shall apply accordingly.

(2) Where it appears to the Board of Trade that any banking business is carried on in contravention of this section the Board of Trade shall order the business to be wound up, and for that purpose the provisions of section one of the principal Act and the provisions of this Act which relate to orders made under that section shall with the necessary adaptations apply.

(3) The power of the Board of Trade to appoint inspectors under the Trading with the Enemy Acts, 1914 to 1916, shall include the power to appoint inspectors for the purpose of ascertaining, during the period aforesaid, whether any banking business is carried on by a company which is an enemy controlled corporation or for the benefit of, or under the control of, subjects of an enemy state, and the provisions of those Acts relating to inspection shall apply accordingly.

(4) The Board of Trade may, after consultation with the Treasury, make rules defining what business is, for the purpose of this section, to be deemed banking business:

Provided that any rules so made shall be laid before each House of Parliament as soon as may be after they are made, and if an address is presented to His Majesty by either House of Parliament within the next twenty days on which that House has sat, after any such rule is laid before them, praying that the rule may be annulled, His Majesty in Council may annul the rule and it shall thenceforth be void, without prejudice, however, to the making of any new rule.

3. *Extension of power of making orders under s. 1 of principal Act.*—

(1) Where a partnership has been dissolved by reason of one or more of the partners having been resident or having carried on business in an enemy country, and the partnership business had before the dissolution of the partnership been carried on wholly or mainly for the benefit of, or under the control of, persons who have become enemy subjects, it shall be lawful for the Board of Trade to make an order for the winding up of the business carried on by any successors of the firm, in any case where it appears to them that the former association of those successors with persons who subsequently became enemies or enemy subjects makes it expedient to do so:

Provided that where such an order has been made and any sum has been paid to the custodian as representing the share of any such partner, the court may, on the application of the Board of Trade, order the custodian to pay to the controller appointed under the order the whole or any part of that sum to be dealt with by him as part of the assets of the firm.

(2) Where it appears to the Board of Trade that any club or other undertaking, not being a business, carried on in the United Kingdom by any person or body of persons incorporated or unincorporated, is or was at any time since the outbreak of war, by reason of the enemy nationality or association of the members of that body, or any of them, or otherwise, carried on wholly or mainly for the benefit of, or under the control of, enemy subjects, the Board of Trade may and shall be deemed always to have had power to make an order requiring the undertaking to be wound up.

(3) Where any person, firm, or company has ceased to carry on business, and it appears to the Board of Trade that the business whilst carried on was by reason of the enemy nationality or enemy association of that person, firm or company, or of the members of that firm or

company or otherwise, carried on wholly or mainly for the benefit of, or under the control of, enemy subjects, or persons who subsequently became enemy subjects, the Board of Trade may and shall be deemed always to have had power to make an order for the realisation and distribution of the assets of the business.

(4) The provisions of section one of the principal Act and of section one of this Act and the other provisions of this Act which relate to orders made under section one of the principal Act shall, with the necessary adaptations, apply as respects orders made under this section in like manner as they apply as respects orders made under sub-section (1) of section one of the principal Act.

4. *Provisions as to dissolution of companies.*—(1) On or at any time after the release of a controller appointed under the principal Act or a liquidator appointed by the Board of Trade to conduct a winding-up under section one of this Act notice thereof may be given by the Board of Trade to the Registrar of Companies, and on the receipt of such notice the registrar shall forthwith register it, and may if so directed by the Board of Trade strike the name of the company off the register and the company shall be dissolved:

(2) Where a company has been dissolved by virtue of this section, or where a company with respect to which an order has been made under section one of the principal Act has been removed from the register under section two hundred and forty-two of the Companies (Consolidation) Act, 1908, no application for an order declaring the dissolution void or restoring the company to the register shall be made without the consent of the Board of Trade, and the Registrar of Companies may refuse to register any company with a name the same as or similar to that of the company so dissolved.

(3) In England, on the release of a liquidator appointed as aforesaid, the official receiver attached to the High Court discharging the duties of official receiver under the Companies (Consolidation) Act, 1908, shall ex officio become liquidator, and the right to recover any debts due to the company at the date of the release, and the right to recover any property of the company which may then remain outstanding, shall vest in the said official receiver, and he may take proceedings in his official name for the recovery of such debts and property, notwithstanding the dissolution of the company; and any sums or property recovered by him after the dissolution shall be dealt with in such manner as the Board of Trade may direct.

5. *Provision as to winding-up by order of the Court.*—Where the Court in pursuance of sub-section (7) of section one of the principal Act makes, or has before the passing of this Act made, an order for the winding-up of a company with respect to which an order has, whether before or after the passing of this Act, been made by the Board of Trade under sub-section (1) of that section—

(a) the Court may by the winding-up order or any subsequent order dispense with compliance with the provisions of section one hundred and forty-seven of the Companies (Consolidation) Act, 1908 (which relates to the statement of the company's affairs), and of section one hundred and fifty-two of that Act (which relates to meetings of creditors and contributories) or of either of those sections;

(b) notwithstanding anything in the Companies (Consolidation) Act, 1908, in a winding-up in England the official receiver shall, unless and until some other person is appointed by the court, be the liquidator of the company, but the Court may upon the application of the Board of Trade, from time to time appoint any other person to be liquidator, notwithstanding that a meeting of creditors and contributories has not been held, and may, upon the like application, remove any person so appointed;

(c) the provisions of sub-section (3) of section one of the principal Act, giving priority to unsecured creditors who are not enemies, and as to the payment and transfer of enemy property to the custodian and the manner in which such property is to be dealt with by him, and the provisions of sub-section (4) of the same section, which relates to the allocation of property in enemy territory to the satisfaction of liabilities to and claims of persons in enemy territory, shall with the necessary adaptations apply to the winding up of the company;

(d) the assets of the company may be distributed without making any provision for claims by enemies except those which are disclosed in the books of the company or of which the liquidator has otherwise received notice, and as respects claims by enemies of which notice has been so received the liquidator may pay to the custodian the dividends on any such claim without requiring a proof to be lodged in respect thereof.

6. *Validation of distribution of assets amongst members of companies.*—Where before the passing of this Act any balance of the sums or other property resulting from the realisation of any assets of a business ordered to be wound up by an order under the principal Act, being a business carried on by a company, have in pursuance of directions of the Board of Trade been distributed amongst members of the company as being persons interested in such balance, such distribution shall be deemed to have been lawful and within the powers conferred by the principal Act.

7. *Claims against businesses or companies being wound up.*—

(1) Where, whether before or after the passing of this Act, an order has been made under section one of the principal Act requiring a business to be wound up, or an order under section one of this Act has been made



for the winding up of a company, any claim against or in respect of the assets of the business, or, as the case may be, any claim against the company, may be dealt with by the High Court or a judge thereof upon a summary application made either by the controller or liquidator, as the case may be, or with the consent of the Board of Trade by the claimant: Provided that notice of the application if made by the controller or liquidator shall be served on the claimant, and if made by the claimant shall be served on the controller or liquidator, as the case may be.

(2) Where any such order has been made any action or other legal proceedings against the person, firm, or company whose business is being wound up, or, as the case may be, against the company which is being wound up, may, on the application of the controller or liquidator, be stayed by the court in which the proceedings are pending.

**8. Extension of power to vest property in custodian.**—The Board of Trade, in any case where it appears to them expedient, may by order vest in the custodian any patent or design belonging to a company with respect to which an order has been made under section one of the principal Act or section three of this Act, or any property belonging to a company which is an enemy-controlled corporation within the meaning of this Act; and sections four and nine of the principal Act shall apply in the case of property vested in the custodian under this section in like manner as it applies to property vested in him under the said section four.

**9. Provisions as to custodians of different parts of the United Kingdom.**—(1) For removing doubts it is hereby declared that the power of the court under section four of the Trading with the Enemy Amendment Act, 1914 [5 & 6 Geo. 5, c. 12], and of the Board of Trade under section four of the principal Act of making orders vesting property in the custodian extends, and shall be deemed always to have extended, so as to enable such orders to be made vesting any property in the custodian of any part of the United Kingdom, notwithstanding that the property is situate in another part of the United Kingdom.

(2) Where any property has, either before or after the passing of this Act, by order of the court or the Board of Trade been vested in the custodian for any part of the United Kingdom, it shall be lawful for the court or Board of Trade, as the case may be—

(a) to order the transfer of the property to the custodian of another part of the United Kingdom;

(b) to order the payment to the custodian of another part of the United Kingdom of the dividends or other income which has arisen, or may thereafter arise, from any such property.

**10. Proceedings as to obtaining information.**—Where the Board of Trade is desirous of obtaining information as to the character of a business which is being carried on in this country and ascertaining whether such business is one to which the principal Act or this Act applies, the High Court or a judge thereof may, upon a summary application by the Board, make an order directing any person to appear as a witness before the Board or any advisory committee appointed by the Board and to give evidence on oath before the Board or such advisory committee and to produce any documents which the High Court or the judge may think proper.

**11. Powers in relation to transferred businesses.**—Where a business carried on in the United Kingdom which, in the opinion of the Board of Trade, could at any time have been wound up under the provisions of the principal Act or of this Act if it had not been transferred is being carried on by any person, firm, or company other than that by whom it was carried on at the commencement of the war, the Board may, if they think fit, require evidence that the transfer, if any, of the business was made *bona fide* and for valuable consideration, and that the person, firm, or company by whom the business is carried on is not carrying on the business on behalf of or for the benefit of enemy subjects, or in any way under enemy control, and if they are not satisfied by such evidence the Board may make an order requiring the business to be wound up as though it were a business to which section one of the principal Act applies.

**12. Enforcement of liens.**—(1) Where, whether before or after the passing of this Act, an order has been made either by the court or by the Board of Trade under the Trading with the Enemy Acts, 1914 to 1916, vesting any property in the custodian, and any person claims a lien or charge thereon, the High Court or a judge thereof may, upon a summary application being made for the purpose, and either with or without the consent of the claimant, direct such account and enquiries as may be necessary for the purpose of determining the extent or amount of such lien or charge, and may order a sale of the property free from such lien or charge, and the payment of any moneys arising from such sale or otherwise in respect of the property in or towards discharge of the amount of lien or charge.

(2) Any such application shall be served on such parties as the Court or judge may direct, and may in any case be made either by the claimant or by the custodian or any Government Department, and also if the property, subject to the lien or charge, is property belonging to an enemy by any person who may appear to the Court to be interested, including a person having under competent authority the control or supervision of any business of whose assets the lien or charge forms part.

(3) Where any property to which section four of the Trading with the Enemy Amendment Act, 1914, applies is subject to a lien or charge, an application under that section for an order vesting the property in the

custodian may be made by any person by whom an application under the foregoing provisions of this section may be made.

### 13. Definitions.—In this Act—

The expression "enemy-controlled corporation" means any corporation—

(a) where the majority of the directors or the persons occupying the position of directors, by whatever name called, are subjects of an enemy State; or

(b) where it appears to the Board of Trade that the majority of the voting power or shares is in the hands of persons who are subjects of an enemy State, or who exercise their voting powers or hold the shares directly or indirectly on behalf of persons who are subjects of an enemy State; or

(c) where the control is by any means whatever in the hands of persons who are subjects of an enemy State; or

(d) where the executive is an enemy-controlled corporation or where the majority of the executive are appointed by an enemy-controlled corporation.

The expression "enemy State" means a State with which His Majesty is now at war.

**14. Short title and construction.**—This Act may be cited as the Trading with the Enemy (Amendment) Act, 1918, and shall be construed as one with the Trading with the Enemy Acts, 1914 to 1916, and those Acts and this Act may be cited together as the Trading with the Enemy Acts, 1914 to 1918.

### SCHEDULE.

#### [Section 1.]

MODIFICATIONS OF THE COMPANIES (CONSOLIDATION) ACT, 1908, AS APPLIED TO THE WINDING-UP OF COMPANIES UNDER ORDERS BY THE BOARD OF TRADE:—

(a) The Board of Trade may remove a liquidator and fill any vacancy in the office of liquidator caused by death, resignation, or otherwise;

(b) The remuneration of the liquidator shall be fixed by the Board of Trade;

(c) Sections one hundred and eighty-eight, one hundred and eighty-nine, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-two, sub-section (2) of one hundred and ninety-four and sections one hundred and ninety-five, one hundred and ninety-seven, one hundred and ninety-nine, and two hundred and twenty-four shall not apply;

(d) In paragraph (b) of sub-section (1) of section two hundred and twenty-two (relating to the disposal of books and papers) for the words "in such way as the company by extraordinary resolution directs" there shall be substituted "in such way as the Board of Trade may direct";

(e) The Board of Trade may confer on the liquidator the like power as to conveying or transferring property as they are by sub-section (2) of section one of the principal Act authorized to confer on a controller appointed under that Act;

(f) The provisions of sub-section (3) of section one of the principal Act giving priority to unsecured creditors who are not enemies, and as to the payment and transfer of enemy property to the custodian and the manner in which such property is to be dealt with by him, and the provisions of sub-section (4) of the same section which relate to the allocation of property in enemy territory to the satisfaction of liabilities to and claims of persons in enemy territory, and the provisions of paragraph (d) of section five of this Act shall, with the necessary adaptations, apply to the winding-up of the company;

(g) The provisions of sub-section (5) of section one of the principal Act as to the release of a controller appointed under that Act shall apply to the release of the liquidator;

(h) An application for the stay of proceedings in the winding-up shall not be made without the consent of the Board of Trade;

(i) The liquidator shall submit accounts to the Board of Trade at such times and in such manner as they may direct;

(j) The provisions of sub-section (7) of section one of the principal Act, including the power of the Board of Trade to present a petition for the winding-up of the company by the court, shall continue to apply in respect of the company, notwithstanding the making of an order under section one of this Act.

### CHAPTER 32.

#### TRADE BOARDS ACT, 1918.

An Act to amend the Trade Boards Act, 1909.

Be it enacted, &c. :—

[8th August, 1918.]

**1. Application of the principal Act.**—(1) The Trade Boards Act, 1909 [9 Ed. 7, c. 22] (in this Act referred to as "the principal Act"), shall apply to the trades specified in the Schedule to that Act and to any other trades to which it has been applied by a provisional order made under section one of that Act or by a special order made under this Act by the Minister of Labour (in this Act referred to as "a special order").

(2) The Minister of Labour (in this Act referred to as "the Minister") may make a special order applying the principal Act to any specified trade to which it does not at the time apply if he is of opinion that no adequate machinery exists for the effective regulation of wages throughout the trade, and that accordingly, having regard to the rates of wages prevailing in the trade, or any part of the trade, it is expedient that the principal Act should apply to that trade.

(3) If at any time the Minister is of opinion that the conditions of employment in any trade to which the principal Act applies have been so altered as to render the application of the principal Act to the trade unnecessary, he may make a special order withdrawing that trade from the operation of the principal Act.

(4) If the Minister is of opinion that it is desirable to alter or amend the description of any of the trades specified in the Schedule to the principal Act, he may make a special order altering or amending the said Schedule accordingly.

(5) Any Act confirming a provisional order made in pursuance of section one of the principal Act may be repealed or varied by a special order.

(6) Section one of the principal Act shall cease to have effect.

2. *Provisions as to special orders.*—(1) Every special order shall without confirmation by Parliament have effect as if enacted in this Act and may be varied or revoked by a subsequent special order.

(2) The provisions contained in the First Schedule to this Act shall have effect with respect to the procedure for making special orders.

(3) Where the Minister makes any special order he shall publish it in such manner as he thinks best adapted for bringing it to the notice of all persons affected thereby, and the order shall come into operation on the date on which it is so published or on such later date as is specified in that behalf in the order.

(4) Every special order shall be laid before each House of Parliament forthwith, and if an Address is presented to His Majesty by either House within the next subsequent forty days on which that House has sat after the order has been so laid, praying that the order may be annulled, His Majesty may annul the order, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the power of making a fresh order.

3. *Amendments of principal Act with respect to the fixing, etc., of minimum rates.*—(1) The following provision shall be substituted for the first paragraph of sub-section (1) of section four of the principal Act (which relates to the duties and powers of Trade Boards with respect to minimum rates of wages):—

"Every Trade Board shall, subject to the provisions of this section, fix a minimum rate of wages for time-work in their trade (in this Act referred to as 'a general minimum time-rate') and may also fix for their trade—

"(a) A general minimum rate of wages for piece-work (in this Act referred to as 'a general minimum piece-rate');"

"(b) A minimum time-rate (which shall not be higher than the general minimum time-rate) to apply in the case of workers employed on piece-work for the purpose of securing to such workers a minimum rate of remuneration on a time-work basis (in this Act referred to as 'a guaranteed time-rate');"

"(c) A minimum rate (whether a time-rate or a piece-rate) to apply, in substitution for the minimum rate which would otherwise be applicable, in respect of hours worked by a worker in any week or on any day in excess of the number of hours declared by the Trade Board to be the normal number of hours of work per week or for that day in the trade (in this Act referred to as 'an overtime rate');"

"Any of the minimum rates aforesaid may be fixed so as to apply universally to the trade or so as to apply to any special process in the work of the trade or to any special area, or to any class of workers in the trade, or to any class of workers in any special process or in any special area."

(2) The power of a trade board under the principal Act to fix a minimum rate of wages shall include the power to fix a series of minimum rates to come into operation successively on the expiration of specified periods, and the power to vary a minimum rate shall include the power so to vary a rate that the variation shall be operative only during a specified period.

(3) The expression "minimum time-rate" in the principal Act and in this Act includes a time-rate of any kind fixed under the provisions of the principal Act.

(4) Where a Trade Board fix a minimum rate so as to apply to any class of workers in a trade they may, if they think it expedient so to do, attach to the fixing of the minimum rate the following conditions; that is to say,—

(a) A condition that workers who are members of the class must be the holders of certificates to that effect issued by the Trade Board; and

(b) If the class consists of persons who are learning the trade, such conditions as the Trade Board think necessary for securing the effective instruction of those persons in the trade.

If any condition so attached is not complied with in the case of any worker, he shall be deemed not to be a member of the class, and where a condition with respect to the holding of a certificate is so attached, the Trade Board shall issue a certificate to a person applying therefor on production of evidence to their satisfaction that the applicant is a member of the class.

(5) Before fixing, cancelling, or varying any minimum rate of wages, not being a special minimum piece-rate, the Trade Board shall give notice of the rate which they propose to fix, or of their proposal to cancel the rate, or of the proposed variation in the rate, as the case may be, and shall consider any objections to the proposal which may be lodged with them within two months from the date of the notice:

Provided that where a rate has not been effective for a period of at least six months, the Trade Board shall not, without the consent of the Minister to be given on an application made to him by the Board

for the purpose, give notice of a proposal to vary the rate, and the Minister shall not give his consent to such an application unless he is satisfied that the special circumstances of the case render it desirable that such notice should be given immediately.

(6) Where a Trade Board fix a special minimum piece-rate under sub-section (5) of section four of the principal Act, or cancel or vary any rate fixed under the said sub-section, they shall give to the employer notice of the fixing, cancellation, or variation, as the case may be.

(7) Where notice of a proposal to fix, cancel, or vary a minimum rate has been duly given by a Trade Board before the date of the commencement of this Act and the Board have not before that date proceeded to fix, cancel, or vary the rate, the notice shall have effect as though this Act had been in force on the date on which the notice was given and the notice had been duly given thereunder, except that objections may be lodged with the Board for a period of three months from the date of the notice.

4. *Provisions as to orders for confirming minimum rate or cancellation or variation of rate.*—(1) Where a Trade Board have fixed any minimum rate of wages, not being a special minimum piece-rate, or have cancelled or varied any such rate, they shall forthwith send notification thereof to the Minister, and the notification may include a statement as to the date as from which the Board suggest that the rate, or the cancellation or variation, should become effective.

(2) The Minister on receipt of a notification under this section with respect to any matter shall forthwith take the matter into his consideration, and, unless he thinks it necessary to refer the matter back to the Trade Board for reconsideration, shall, as soon as may be, make an order confirming the rate, or the cancellation or variation, as the case may be.

In any case where an order is to be made by the Minister under the foregoing provision he shall, unless in his opinion the special circumstances of the case make it necessary or desirable to postpone the making of the order, make the order within one month from the date on which the notification from the Trade Board is received.

(3) The Minister shall as soon as may be after he has made an order under this section send notification thereof to the Trade Board concerned, and the Trade Board shall, as soon as may be after receiving the notification, give notice of the making of the order and the contents thereof.

(4) Any such minimum rate as aforesaid, or the cancellation or variation of any such rate, shall become effective as from the date specified in that behalf in the order by which it is confirmed.

The date to be so specified shall be a date subsequent to the date of the order, and where as respects any employer who pays wages at intervals not exceeding seven days the date so specified does not correspond with the beginning of the period for which wages are paid by that employer, the rate shall become effective as from the beginning of the next such period following the date specified in the order.

(5) Sections five and seven of the principal Act (which relate respectively to orders giving obligatory effect to minimum rates of wages and to the operation of a minimum rate which has not been made obligatory) are hereby repealed:

Provided that where at the commencement of this Act any minimum rate fixed by a Trade Board has a limited operation under the provisions of the said section seven—

(a) the provisions of sub-sections (2), (3), and (4) of this section shall apply as though the Trade Board had fixed the said rate on the date of the commencement of this Act, and a notification thereof had been received by the Minister on that date; and

(b) if the Minister does not refer the rate back to the Trade Board for reconsideration it shall, pending the making by the Minister of an order confirming the rate, continue to have a limited operation in the same manner as if this Act had not been passed; and

(c) if the Minister refers the rate back, he may as he thinks fit direct either that the rate shall cease to have any operation or that it shall continue to have a limited operation for such period as he may specify.

5. *Amendments of s. 6 of principal Act.*—(1) Where an offence for which an employer is by virtue of the principal Act liable to a fine has in fact been committed by some agent of the employer or other person, that agent or other person shall be liable to be proceeded against for the offence in the same manner as if he were the employer, and either together with, or before or after the conviction of, the employer, and shall be liable on conviction to the same punishment as that to which the employer is liable.

(2) Where an employer who is charged with an offence against the principal Act proves to the satisfaction of the court that he has used due diligence to enforce the execution of the principal Act, and that the offence was in fact committed by his agent or some other person without his knowledge, consent, or connivance, he shall, in the event of the conviction of that agent or other person for the offence, be exempt from any fine in respect of the offence, without prejudice, however, to the power of the court under sub-section (2) of section six of the principal Act (which relates to the penalty for not paying wages in accordance with the minimum rate) to adjudge him to pay any sum which appears to the court to be due to the person employed on account of wages.

(3) Where the immediate employer of any worker to whom a minimum rate of wages applies is himself in the employment of some other person and that worker is employed on the premises of that other person, that



other person shall for the purposes of the provisions of the principal Act relating to the penalty for not paying wages in accordance with the minimum rate be deemed to be the employer of the worker jointly with the immediate employer.

(4) The following provision shall be inserted at the end of sub-section (1) of section six of the principal Act:—

"In the foregoing provision, the expression 'deductions' includes deductions for or in respect of any matter whatsoever (other than deductions under the National Insurance Act, 1911 [1 & 2 Geo. 5, c. 55], as amended by any subsequent enactments or deductions authorized by any Act to be made from wages in respect of contributions to any superannuation or other provident fund), and notwithstanding that they are deductions which may lawfully be made from wages under the provisions of the Truck Acts, 1831 to 1896, and where any payment being a payment authorized to be received by an employer under section one, section two, or section three of the Truck Act, 1896 [59 & 60 Vict. c. 44], is made by any employed person to his employer, the employer shall, for the purposes of the foregoing provision, be deemed to have deducted that amount from wages."

(5) The following provisions shall be substituted for sub-sections (3) and (4) of section six of the principal Act:—

"(3) If a Trade Board are satisfied that any worker employed or desiring to be employed in any branch of a trade to which a general minimum time-rate, a guaranteed time-rate, or a time-work over-time rate is applicable is affected by any infirmity or physical injury which renders him incapable of earning that minimum rate and, where the worker is not already employed on piece-work, are of opinion that the case cannot suitably be met by employing him on piece-work, the Trade Board may, if they think fit, grant to the worker, subject to such conditions, if any, as they prescribe, a permit exempting the employment of the worker from the provisions of this Act relating to the payment of wages at less than the minimum rate, and while the permit is in force the employer shall not be liable for paying wages to the worker at a rate less than the minimum rate so long as the conditions prescribed by the Trade Board on the grant of the permit are complied with.

"A Trade Board may, if they think fit, delegate their powers under this sub-section to a committee consisting of such number of persons, being members of the Board, as the Board may think fit, so, however, that the members of the Board on the committee representing employers and the members of the Board on the committee representing workers shall be in equal proportions.

"(4) It shall be the duty of every employer in a trade to which a minimum rate is applicable, to keep such records of wages as are necessary to show that the provisions of this Act are being complied with as respects persons in his employment, and if he fails to do so he shall be liable on summary conviction in respect of each offence to a fine not exceeding two pounds, and also to a fine not exceeding one pound for every day during which the default continues after conviction.

"On any prosecution of a person for failing to pay wages at not less than the minimum rate, it shall lie on that person to prove that he has not paid wages at less than the minimum rate."

6. Amendment of s. 8 of principal Act.—The following section shall be substituted for section eight of the principal Act (which relates to the case of persons employed on piece-work where a general minimum time-rate but no general minimum piece-rate has been fixed):—

"(1) An employer shall, in cases where persons are employed on piece-work and a general minimum time-rate but no general minimum piece-rate has been fixed, be deemed to pay wages at less than the minimum rate—

(a) in cases where a special minimum piece-rate has been fixed under the provisions of this Act for persons employed by that employer, if the rate of wages is less than that special minimum piece-rate; and

(b) in cases where a special minimum piece-rate has not been so fixed, unless he shows that the piece-rate of wages paid would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the basis rate.

"(2) For the purpose of this section the expression 'basis rate' means the general minimum time-rate or, where a rate (in this Act referred to as a 'piece-work basis time-rate') has been fixed by the Trade Board for the purpose of being substituted for the general minimum time-rate as the basis rate, the rate so fixed.

A Trade Board may fix a piece-work basis time-rate in any case in which, having regard to all the circumstances of the case, they are of opinion that the general minimum time-rate does not form a proper basis for the purposes of paragraph (b) of sub-section (1) of this section, and a piece-work basis time-rate may be higher or lower than the general minimum time-rate and may be fixed so as to apply universally to the trade or so as to apply to any special process in the work of the trade or to any special area, or to any class of workers in the trade or to any class of workers in any special process or in any special area."

7. Employers not to receive premiums where minimum rates in force.]

—(1) Where a worker in any trade, being a person to whom a minimum rate of wages fixed by a Trade Board applies, is an apprentice or learner, it shall not be lawful for his employer to receive directly or indirectly from him, or on his behalf or on his account, any payment by way of premium:

Provided that nothing in the foregoing provision shall apply to any such payment duly made in pursuance of any instrument of apprenticeship.

ship not later than four weeks after the commencement of the employment.

(2) If any employer acts in contravention of this provision, he shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds, and the court may by the conviction, in addition to imposing a fine, adjudge him to repay to the worker or other person by whom the payment was made the sum improperly received by way of premium.

8. Worker waiting for work on employer's premises to be deemed to be employed.—For the purpose of calculating the amount of the wages payable in the case of a worker employed on any work for which a minimum rate of wages has been fixed under the principal Act, the worker shall be deemed to have been employed during all the time during which he was present on the premises of the employer, unless the employer proves that he was so present without the employer's consent express or implied, or that he was so present for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform, and in the case of a worker employed on piece-work shall be deemed during any time during which he was so present and was not doing piece-work to have been employed at the general minimum time-rate applicable to workers of the class to which he belongs:

Provided that—

(a) where a worker resides on the premises of the employer he shall not be deemed to be employed during any time during which he is present on the premises by reason only of the fact that he is so resident; and

(b) a worker while present during normal meal times in a room or place in which no work is being done shall be deemed to be present for a purpose unconnected with his work.

9. Miscellaneous provisions with respect to legal proceedings.—(1)

Where an employer has been convicted under section six of the principal Act for failing to pay wages at not less than the minimum rate to any worker, then, if notice of intention so to do has been served with the summons, warrant, or complaint, evidence may be given of any failure on the part of the employer to pay wages at not less than the minimum rate to that worker at any time during the two years immediately preceding the date on which the information was laid or the complaint was served, and on proof of the failure the court may order the employer to pay such sum as in the opinion of the court represents the difference between the amount which, having regard to the provisions of the principal Act, ought properly to have been paid to the worker by way of wages during those years and the amount actually so paid.

(2) Where it appears to a Trade Board, or to any officer appointed under the principal Act or to any officer of any Government Department for the time being assisting in carrying the principal Act into effect, that any sum is due by an employer to a worker by reason of the fact that wages have been paid to that worker at less than the minimum rate applicable, and that it is not possible to recover the sum so appearing to be due, or some part of that sum, by means of proceedings under section six of the principal Act, the Trade Board, or that officer, if he is authorized in that behalf by special or general directions of the Minister, may, if it appears expedient so to do by reason of the refusal or neglect of the worker to take the necessary proceedings, on behalf of and in the name of the worker institute civil proceedings before any court of competent jurisdiction for the recovery of the said sum:

Provided always that the court before which any such civil proceedings are instituted by a Trade Board or by any such officer as aforesaid shall have the same power to make an order for the payment of costs by that Board or officer as if that Board or officer were a party to the proceedings.

(3) It shall be no objection to the competency of a person to give evidence as a witness in proceedings in Scotland under the principal Act that the proceedings are brought at the instance of or have been instituted by that person, or are prosecuted or conducted by him.

10. Power of Trade Boards to make recommendations to Government Departments.—A Trade Board for any trade may, if they think it expedient so to do, make a recommendation to any Government Department with reference to the industrial conditions of the trade, and the Department to whom the recommendation is made shall forthwith take it into consideration.

11. Minor amendments of principal Act.—The amendments specified in the second column of the Second Schedule to this Act, which relate to minor details, shall be made in the provisions of the principal Act specified in the first column of that Schedule.

12. Rules Publication Act, 1893, not to apply to certain regulations under Trade Boards Acts.—Section one of the Rules Publication Act, 1893 [56 & 57 Vict. c. 66] (which requires notice to be given of a proposal to make statutory rules) shall not apply to any regulations made under section eleven, section twelve, or section eighteen of the principal Act, or under paragraph nine of the First Schedule to this Act.

13. Short title, commencement, construction, and repeal.—(1) This Act may be cited as the Trade Boards Act, 1918, and shall be read as one with the principal Act, and that Act and this Act may be cited together as the Trade Boards Acts, 1909 and 1918.

(2) This Act shall come into operation on the first day of October, nineteen hundred and eighteen.

(3) Unless the context otherwise requires, any reference in this Act to the principal Act, or any provision of the principal Act which is amended by this Act, shall be construed as a reference to the principal Act, or that provision, as amended by this Act.

(4) The provisions of the principal Act specified in the Third Schedule to this Act are hereby repealed:

Provided that all rates fixed under any provision of the principal Act repealed by this Act, and being obligatory at the commencement of this Act, shall, notwithstanding the repeal, continue in force and shall be deemed to have been fixed under the principal Act as amended by this Act and may be varied or cancelled accordingly.

#### SCHEDULES. FIRST SCHEDULE.

##### [Section 2.]

##### PROCEDURE FOR MAKING SPECIAL ORDERS.

1. Before the Minister makes any special order, he shall, in such manner as he thinks best adapted for informing persons affected, publish notice of his intention to make the order, of the place where copies of the draft order may be obtained, and of the time (which shall not be less than forty days) within which any objection made with respect to the draft order must be sent to him.

2. Every objection must be in writing, and must state—

(a) the specific grounds of objection; and

(b) the omissions, additions, or modifications asked for.

3. The Minister shall consider any objection which is made by or on behalf of any persons appearing to him to be affected and which is sent to him within the time fixed in that behalf, but shall not be bound to consider any other objection.

4. After considering all the objections which he is required to consider as aforesaid, the Minister may, if he thinks fit, amend the draft order, and the foregoing provisions of this schedule shall apply to the amended draft order in like manner as they apply to an original draft order.

5. In any case in which the Minister does not amend or withdraw any draft order to which any objection has been made in accordance with the foregoing provisions, he shall, before making the order, unless he considers that the objection is of a frivolous character, direct an inquiry to be held in manner hereinafter provided.

6. The Minister may appoint a competent person not in the employment of any Government Department to hold an inquiry with regard to any draft order, and to report to him thereon.

7. The inquiry shall be held in public, and such officer of the Ministry of Labour as is appointed by the Minister in that behalf, and any objector or other person who appears to the person holding the inquiry to be affected, may appear at the inquiry either in person or by counsel, solicitor, or agent.

8. The witnesses at the inquiry may, if the person holding it thinks fit, be examined on oath.

9. Subject as aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with regulations made by the Minister.

10. The fee to be paid to the person holding the inquiry shall be such as the Minister may direct, and shall be deemed to be part of the expenses of the Minister in the execution of the principal Act.

#### SECOND SCHEDULE.

##### [Section 11.]

##### MINOR AMENDMENTS OF PRINCIPAL ACT.

Enactment to be Amended.	Nature of Amendment.
Section 4 ...	In the second paragraph of sub-section (1) the words "a general minimum time-rate," and in sub-section (5) the words "a general minimum time-rate or a piece-work basis time-rate," shall be substituted for the words "a minimum time-rate."
Section 6 ...	For the words "been made obligatory by order of the Board of Trade under this Act" in sub-section (1), there shall be substituted the words "become effective."
Section 10 ...	Sub-section (2) shall cease to have effect.
Section 12 ...	The words "if the district trade committee so think fit, sub-committees" shall be substituted in sub-section (2) for the words from "of a standing sub-committee" to the end of the sub-section. In sub-section (3) the words "or any sub-committee thereof" shall be inserted after the words "delegate to a district trade committee," and the words "their duty to fix a general minimum time-rate and their power to fix a general minimum piece-rate, a guaranteed time-rate, a piece-work basis time-rate, and an overtime rate" shall be substituted for the words from "their power" to the end of the sub-section. In sub-section (4) the words "general minimum time-rates" shall be substituted for the words "minimum time-rates" and the words "guaranteed time-rates, piece-work basis time-rates, and overtime rates" shall be inserted after the words "piece-rates."

Enactment to be Amended.	Nature of Amendment.
Section 12 ...	The following new sub-section shall be inserted at the end of the section:— "(5) The proceedings of a district trade committee shall not be invalidated by any vacancy in their number, or by any defect in the appointment of any member of the committee."
Section 15 ...	The following paragraph shall be added at the end of sub-section (1):— "(e) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under this Act any person whom he finds in any factory or workshop or any place used for giving out work to out-workers, or whom he has reasonable cause to believe to be or to have been a worker in any trade to which a minimum rate under this Act is applicable, and to require every such person to be so examined, and to sign a declaration of the truth of the matters in respect of which he is so examined." In sub-section (2) the word "makes, or causes to be made, or knowingly allows to be made" shall be substituted for the word "produces," and after the word "outworkers" there shall be inserted the words "which is false in any material particular, or produces or causes to be produced or knowingly allows to be produced any such sheet, record or list."

#### THIRD SCHEDULE.

##### [Section 13.]

##### PROVISIONS OF PRINCIPAL ACT REPEALED.

Section one.

Sub-sections (2) and (3) of section four and the proviso to sub-section (4).

Section five.

Section seven.

Sub-section (2) of section ten.

In paragraph (4) of section twenty-one the words from "including the expenses" to the end of the section.

#### CHAPTER 33.

##### ASYLUMS AND CERTIFIED INSTITUTIONS (OFFICERS' PENSIONS) ACT, 1913.

An Act to make further provision for the application of the Asylums Officers Superannuation Act, 1909, to officers in certified institutions for defectives, and to provide for the aggregation of service in asylums and in such institutions. [8th August, 1913.]

Be it enacted, &c.:—

1. Application of 9 Ed. 7, c. 48, to officers and servants of certified institutions for defectives.—(1) Subject to such adaptations and modifications as the Secretary of State may by order prescribe and subject as hereinafter provided, the Asylums Officers Superannuation Act, 1909, shall apply and shall be deemed always to have applied to officers and servants employed in certified institutions for defectives as if references in that Act to asylums included references to such institutions, and as if in relation to officers and servants of such an institution references to the visiting committee of an asylum included references to the managers of the institution:

Provided that—

(a) An officer or servant employed in a certified institution shall be treated as an officer or servant of the second class:

(b) The power under sub-section (3) of section two of the said Act to add years to the actual years of service shall not apply in respect of service in certified institutions:

(c) The rate of contribution for an officer or servant employed in a certified institution shall be two and a half per cent. of the salary or wages and emoluments for each year, except that in the case of an officer or servant who has removed from an asylum to a certified institution and who at the time of his so removing was liable to contribute at the rate of two per cent., the rate shall be two per cent. only:

(d) The superannuation allowance of an asylums officer or servant of the first class who has removed to a certified institution shall, in respect of his asylums service, be calculated by reference to fiftieths instead of sixtieths, and an officer who has so removed before the date of the commencement of this Act or who so removes within five years after that date shall, if he has been in the service of an asylum as a first class officer or servant for not less than ten years, become qualified for receiving a superannuation allowance at the age of fifty-five years instead of at the age of sixty years.

(2) In this section the expression "certified institutions for defectives" means certified institutions provided by local authorities under the Mental Deficiency Act, 1913 [3 & 4 Geo. 5, c. 28], or by district



boards under the Mental Deficiency and Lunacy (Scotland) Act, 1913 [3 & 4 Geo. 5, c. 38].

(3) In the application of this section to Scotland, the Secretary for Scotland shall be substituted for the Secretary of State.

2. *Short title and repeal.*—(1) This Act may be cited as the Asylums and Certified Institutions (Officers' Pensions) Act, 1918.

(2) Section forty-five of the Mental Deficiency Act, 1913, and section thirty-six of the Mental Deficiency and Lunacy (Scotland) Act, 1913, shall be deemed never to have had effect and are hereby repealed.

## CHAPTER 34.

### STATUTORY UNDERTAKINGS (TEMPORARY INCREASE OF CHARGES) ACT, 1918.

An Act to enable the statutory provisions affecting the charges which may be made in respect of certain undertakings to be temporarily modified. [8th August, 1918.]

Be it enacted, &c. :—

1. *Modifications of statutory provisions affecting charges.*—(1) Where it appears to the appropriate Government Department that the financial position of any undertaking to which this Act applies has been adversely affected by circumstances arising out of the present war, the Department may, if they think fit, by order provide for the modification of any statutory provisions regulating the charges to be made by the undertakers, and of any statutory provisions consequential on or supplemental to any such provisions as aforesaid, for such period during the continuance of this Act, in such manner, and subject to such conditions, as appear to the Department to be just and reasonable :

Provided that—

(a) where the undertakers are a local authority no modification shall be authorized which will increase the statutory maximum charge by more than fifty per cent., or which is more than sufficient so far as can be estimated to enable the undertaking to be carried on without loss; and

(b) in any other case no modification shall be authorized which is more than sufficient to enable with due care and management a dividend on the ordinary stock or shares of the undertaking to be paid at three-quarters of the standard or maximum rate of dividend, if any, prescribed for the undertaking, or at three-quarters of the pre-war rate of dividend, whichever is lower.

(2) An application to a Department for the purposes of this Act shall be accompanied by such information certified in such manner, as the Department may require with respect to the financial position of the undertaking in question; and before making an order the appropriate Government Department shall require the undertakers to give public notice of the application for an order under this Act, and as to the manner in which, and time within which, representations may be made; and to give a similar notice in writing to the council of each county, borough, or urban or rural district, within which any part of the undertaking, or limits of supply of the undertaking, is situate; and the Department shall consider any representations which may be duly made.

(3) The undertakings to which this Act applies are tramway undertakings, including light railways constructed wholly or mainly on public roads, and undertakings for the supply of gas, water, hydraulic power, and electricity, and inculcating the maximum charge which may be authorized under this Act in respect of such tramway undertakings fractions of a halfpenny shall be counted as a halfpenny.

(4) For the purposes of this Act—

The expression "statutory provisions" includes the provisions of any order having the force of an Act;

The expression "appropriate Government Department" means, in relation to gas and water undertakings carried on by local authorities, the Local Government Board, and in relation to other undertakings the Board of Trade;

The expression "local authority" includes any commissioners, trustees, or other public body of persons carrying on, otherwise than for purposes of private profit, any undertaking to which this Act applies;

The expression "pre-war rate of dividend" means the average rate of dividend for the three financial years immediately preceding the war.

2. *Application to Scotland and Ireland.*—In the application of this Act to Scotland the Secretary for Scotland, and in the application of this Act to Ireland the Local Government Board for Ireland, shall be substituted for the Local Government Board.

3. *Short title and duration.*—(1) This Act may be cited as the Statutory Undertakings (Temporary Increase of Charges) Act, 1918.

(2) This Act shall have effect during the continuance of the present war and for a period of two years thereafter, and no longer.

## CHAPTER 35.

### PUBLIC HEALTH (BORROWING POWERS) (IRELAND) ACT, 1918.

An Act to extend the borrowing powers of District Councils under the Public Health (Ireland) Acts, 1878 to 1917. [8th August, 1918.]

## CHAPTER 36.

### CORN PRODUCTION (AMENDMENT) ACT, 1918.

An Act to amend sub-section (3) of section eleven of the Corn Production Act, 1917. [8th August, 1918.]

Be it enacted, &c. :—

1. *Amendment of 7 & 8 Geo. 5, c. 46, s. 11 (3).*—For sub-section (3) of section eleven of the Corn Production Act, 1917, the following sub-section shall be substituted :—

"(3) This Part of this Act shall not, except as hereinafter provided, come into operation until the termination of the present war, and the powers under the Defence of the Realm Regulations exercisable by the Board of Agriculture and Fisheries with a view to maintaining the food supply of the country with respect to matters dealt with in this Part of this Act shall continue to operate until that date :

Provided that—

"(a) if on or after the twenty-first day of August, nineteen hundred and eighteen, any person is, under the said powers, served with a notice determining his tenancy of any land, or with a notice which requires any change in the mode of cultivating or in the use of land in his occupation, and is not solely for the purpose of securing that the land shall be cultivated according to the rules of good husbandry, the proviso to sub-section (1) of section nine of this Act shall apply as if the notice had been served under the powers conferred by that section ;

"(b) where any such notice is served on a tenant a copy of the notice shall at the same time be served on the landlord, and the landlord shall have the same right as the tenant of requiring any question to be referred to arbitration ;

"(c) before possession is taken under the said powers on or after the said date of any land for the purpose of securing any change in the mode of cultivating or in the use of the land other than the conversion of the land into gardens or allotments, notice of intention to take such possession shall, unless the notice is served solely for the purpose of securing that the land shall be cultivated according to the rules of good husbandry, be served on the owner and occupier of the land if they can reasonably be ascertained, and the proviso to sub-section (1) of section nine of this Act shall apply as if the notice had been served under the powers conferred by that section ; and

"(d) where before or after the passing of this Act, any notice has been or shall be served, order made, or possession of land taken under the powers continued in operation by this sub-section, the provisions of this Part of this Act relating to the determination and recovery of compensation shall apply as if the notice had been served, the order made, or possession taken under the powers conferred by section nine of this Act, except in any case in which the compensation has been otherwise determined."

2. *Short title and construction.*—This Act may be cited as the Corn Production (Amendment) Act, 1918, and shall be construed as one with the Corn Production Act, 1917.

## CHAPTER 37.

### CONSOLIDATED FUND (No. 3) ACT, 1918.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and nineteen. [8th August, 1918.]

## CHAPTER 38.

### BRITISH NATIONALITY AND STATUS OF ALIENS ACT, 1918.

An Act to amend the British Nationality and Status of Aliens Act, 1914. [8th August, 1918.]

Be it enacted, &c. :—

1. *Substitution of provisions for section 7 of the principal Act.*—The following sections shall be substituted for section seven of the British Nationality and Status of Aliens Act, 1914 [4 & 5 Geo. 5, c. 17] (hereinafter referred to as "the principal Act"), which relates to the revocation of certificates of naturalization :—

"7. *Revocation of certificate of naturalization.*—(1) Where the Secretary of State is satisfied that a certificate of naturalization granted by him has been obtained by false representation or fraud, or by concealment of material circumstances, or that the person to whom the certificate is granted has shown himself by act or speech to be disaffected or disloyal to His Majesty, the Secretary of State shall by order revoke the certificate.

"(2) Without prejudice to the foregoing provisions the Secretary of State shall by order revoke a certificate of naturalization granted by him in any case in which he is satisfied that the person to whom the certificate was granted either—

(a) has during any war in which His Majesty is engaged unlawfully traded or communicated with the enemy or with the subject of an enemy state, or been engaged in or associated with any business which is to his knowledge carried on in such manner as to assist the enemy in such war ; or

(b) has within five years of the date of the grant of the certificate been sentenced by any court in His Majesty's dominions to imprisonment for a term of not less than twelve months, or to a term of penal servitude, or to a fine of not less than one hundred pounds ; or

(c) was not of good character at the date of the grant of the certificate; or

(d) has since the date of the grant of the certificate been for a period of not less than seven years ordinarily resident out of His Majesty's dominions otherwise than as a representative of a British subject, firm, or company carrying on business, or an institution established, in His Majesty's dominions, or in the service of the Crown, and has not maintained substantial connection with His Majesty's dominions; or

(e) remains according to the law of a state at war with His Majesty a subject of that state;

and that (in any case) the continuance of the certificate is not conducive to the public good.

"(3) The Secretary of State may, if he thinks fit, before making an order under this section refer the case for such inquiry as is hereinafter specified, and in any case to which sub-section (1) or paragraph (a), (c), or (e) of sub-section (2) of this section applies, the Secretary of State shall, by notice given to or sent to the last-known address of the holder of the certificate, give him an opportunity of claiming that the case be referred for such inquiry, and if the holder so claims in accordance with the notice the Secretary of State shall refer the case for inquiry accordingly.

"(4) An inquiry under this section shall be held by a committee constituted for the purpose by the Secretary of State, presided over by a person (appointed by the Secretary of State with the approval of the Lord Chancellor) who holds or has held high judicial office, and shall be conducted in such manner as the Secretary of State may direct:

"Provided that any such inquiry may, if the Secretary of State thinks fit, instead of being held as aforesaid be held by the High Court, and the practice and procedure on any inquiry so held shall be regulated by rules of court.

"A committee appointed under this section shall have all such powers, rights, and privileges as are vested in the High Court or in any judge thereof on the occasion of any action, in respect of the following matters:—

(a) the enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise, and the issue of a commission or a request to examine witnesses abroad; and

(b) the compelling the production of documents; and

(c) the punishing persons guilty of contempt;

and a summons signed by one or more members of the committee may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

"(5) Where a person to whom a certificate of naturalization has been granted in some other part of His Majesty's dominions is resident in the United Kingdom, the certificate may be revoked in accordance with this section by the Secretary of State, with the concurrence of the Government of that part of His Majesty's dominions in which the certificate was granted.

"(6) Where the Secretary of State revokes a certificate of naturalization, the revocation shall have effect from such date as the Secretary of State may direct, and thereupon the certificate shall be given up and cancelled, and any person refusing or neglecting to give up his certificate shall be liable on summary conviction to a fine not exceeding one hundred pounds.

"7. *Effect of revocation of certificate of naturalization.*—(1) Where a certificate of naturalization is revoked the Secretary of State may by order direct that the wife and minor children (or any of them) of the person whose certificate is revoked shall cease to be British subjects, and any such person shall thereupon become an alien; but except where the Secretary of State directs as aforesaid, the nationality of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation, and they shall remain British subjects:

"Provided that—

"(a) it shall be lawful for the wife of any such person within six months after the date of the order of revocation to make a declaration of alienage, and thereupon she and any minor children of her husband and herself shall cease to be British subjects and shall become aliens; and

"(b) the Secretary of State shall not make any such order as aforesaid in the case of a wife who was at birth a British subject, unless he is satisfied that if she had held a certificate of naturalization in her own right the certificate could properly have been revoked under this Act, and the provisions of this Act as to referring cases for inquiry shall apply to the making of any such order as they apply to the revocation of a certificate.

"(2) The provisions of this section shall, as respects persons affected thereby, have effect in substitution for any other provisions of this Act as to the effect upon the wife and children of any person where the person ceases to be a British subject and such other provisions shall accordingly not apply in any such case.

"(3) Where a certificate of naturalization is revoked the former holder thereof shall be regarded as an alien and as a subject of the state to which he belonged at the time the certificate was granted."

2. *Minor amendments of the principal Act.*—The following amendments shall be made in the principal Act:—

(1) In paragraph (b) of sub-section (1) of section one (which defines natural-born British subjects) after the words "had been granted" there shall be inserted the words "or had become a British subject by reason of any annexation of territory, or was at the time of that person's birth

in the service of the Crown"; and at the end of that section the following sub-section shall be inserted:—

"(4) The certificate of a Secretary of State that a person was at any date in the service of the Crown shall, for the purposes of this section, be conclusive."

"(2) At the end of section two (which relates to the grant of certificates of naturalization) the following sub-section shall be inserted:—

"(6) For the purpose of this section a period spent in the service of the Crown may, if the Secretary of State thinks fit, be treated as equivalent to a period of residence in the United Kingdom."

"(3) In sub-section (2) of section five "whether or not" shall be substituted for "although" and "not" shall be omitted, and in sub-section (3) of section five "Act" shall be substituted for "section."

"(4) In sub-section (1) of section eight (which relates to the grant of certificates of naturalization in British possessions) after the words "United Kingdom" there shall be inserted the words "and of a High Court or superior court of the possession for the High Court, and with the omission of any reference to the approval of the Lord Chancellor," and after the words "any certificate proposed to be granted" there shall be inserted the words "and any proposal to revoke any certificate."

"(5) In section ten (which relates to the national status of married women) at the end of the section there shall be added the words "and provided that where an alien is a subject of a state at war with His Majesty it shall be lawful for his wife if she was at birth a British subject to make a declaration that she desires to resume British nationality, and thereupon the Secretary of State, if he is satisfied that it is desirable that she be permitted to do so, may grant her a certificate of naturalization."

"(6) In sub-section (1) of section twenty-seven (which contains definitions) at the end of the definition of "British subject" after the words "has been granted" there shall be inserted the words "or a person who has become a subject of His Majesty by reason of any annexation of territory," and for sub-section (2) of that section the following sub-section shall be substituted:—

"(2) Where in pursuance of this Act the name of a child is included in a certificate of naturalization granted to his parent, or where, in pursuance of any Act repealed by this Act, any child has been deemed to be a naturalized British subject by reason of residence with his parent, such child shall, for the purposes of this Act, be deemed to be a person to whom a certificate of naturalization has been granted."

3. *Provisions as to naturalization certificate.*—(1) Where a certificate of naturalization has been granted in the United Kingdom during the present war to a person who at, or at any time before, the grant of the certificate was the subject of a country which at the date of the grant was at war with His Majesty, the Secretary of State shall refer for such inquiry as is provided for in the case of revocation of certificates the question whether it is desirable that the certificate should be revoked, and if such question shall be answered in the affirmative shall revoke the certificate, but this provision shall not apply to a person who at birth was a British subject.

"(2) No certificate of naturalization shall, before the expiration of a period of ten years after the termination of the present war, be granted in the United Kingdom to any subject of a country which at the time of the passing of this Act was at war with His Majesty, but this provision shall not apply to a person who—

(a) has served in His Majesty's forces or in the forces of any of His Majesty's Allies or of any country acting in naval or military co-operation with His Majesty; or

(b) is a member of a race or community known to be opposed to the enemy governments; or

(c) was at birth a British subject.

4. *Short title and printing.*—(1) This Act may be cited as the British Nationality and Status of Aliens Act, 1918, and the principal Act and this Act may be cited together as the British Nationality and Status of Aliens Act, 1914 and 1918.

"(2) Every enactment and word which is directed by this Act to be substituted for or added to any portion of the principal Act shall form part of that Act in the place assigned to it by this Act; and the principal Act, and any enactments referring thereto, shall after the commencement of this Act be construed as if that enactment or word had been originally enacted in the principal Act in the place so assigned, and where it is substituted for another enactment or word, had been so enacted in lieu of that enactment or word, and the expression "this Act" in the principal Act or this Act shall be construed accordingly.

"(3) A copy of the principal Act with every such enactment and word inserted in the place so assigned shall be prepared and certified by the Clerk of the Parliaments and deposited with the rolls of Parliament, and His Majesty's printer shall print in accordance with the copy so certified all copies of the principal Act which are printed after the commencement of this Act.

## CHAPTER 39.

### EDUCATION ACT, 1918.

An Act to make further provision with respect to Education in England and Wales and for purposes connected therewith.

[8th August, 1918.

Be it enacted, &c.:—

#### National System of Public Education.

1. *Progressive and comprehensive organization of education.*—With a view to the establishment of a national system of public education



available for all persons capable of profiting thereby, it shall be the duty of the council of every county and county borough, so far as their powers extend, to contribute thereto by providing for the progressive development and comprehensive organization of education in respect of their area, and with that object any such council from time to time may, and shall when required by the Board of Education, submit to the Board schemes showing the mode in which their duties and powers under the Education Acts are to be performed and exercised, whether separately or in co-operation with other authorities.

**2. Development of education in public elementary schools.**—(1) It shall be the duty of a local education authority so to exercise their powers under Part III. of the Education Act, 1902 [2 Ed. 7, c. 42], as—

(a) to make, or otherwise to secure, adequate and suitable provision by means of central schools, central or special classes, or otherwise—

(i) for including in the curriculum of public elementary schools, at appropriate stages, practical instruction suitable to the ages, abilities, and requirements of the children; and

(ii) for organizing in public elementary schools courses of advanced instruction for the older or more intelligent children in attendance at such schools, including children who stay at such schools beyond the age of fourteen;

(b) to make, or otherwise, to secure, adequate and suitable arrangements under the provisions of paragraph (b) of sub-section (1) of section thirteen of the Education (Administrative Provisions) Act, 1907 [7 Ed. 7, c. 43], for attending to the health and physical condition of children educated in public elementary schools; and

(c) to make, or otherwise to secure, adequate and suitable arrangements for co-operating with local education authorities for the purposes of Part II. of the Education Act, 1902, in matters of common interest, and particularly in respect of—

(i) the preparation of children for further education in schools other than elementary, and their transference, at suitable ages to such schools; and

(ii) the supply and training of teachers;

and any such authority from time to time may, and shall when required by the Board of Education, submit to the Board schemes for the exercise of their powers as an authority for the purposes of Part III. of the Education Act, 1902.

(2) So much of the definition of the term "elementary school" in section three of the Elementary Education Act, 1870 [33 & 34 Vict. c. 75], as requires that elementary education shall be the principal part of the education there given, shall not apply to such courses of advanced instruction as aforesaid.

**3. Establishment of continuation schools.**—(1) It shall be the duty of the local education authority for the purposes of Part II. of the Education Act, 1902, either separately or in co-operation with other local education authorities, to establish and maintain, or secure the establishment and maintenance under their control and direction, of a sufficient supply of continuation schools in which suitable courses of study, instruction, and physical training are provided without payment of fees for all young persons resident in their area who are, under this Act, under an obligation to attend such schools.

(2) For the purposes aforesaid the local education authority from time to time may, and shall when required by the Board of Education, submit to the Board schemes for the progressive organization of a system of continuation schools, and for securing general and regular attendance thereat, and in preparing schemes under this section the local education authority shall have regard to the desirability of including therein arrangements for co-operation with universities in the provision of lectures and classes for scholars for whom instruction by such means is suitable.

(3) The council of any county shall, if practicable, provide for the inclusion of representatives of education authorities for the purposes of Part III. of the Education Act, 1902, in any body of managers of continuation schools within the area of those authorities.

**4. Preparation and submission of schemes.**—(1) The council of any county, before submitting a scheme under this Act, shall consult the other authorities within their county (if any) who are authorities for the purposes of Part III. of the Education Act, 1902, with reference to the mode in which and the extent to which any such authority will co-operate with the council in carrying out their scheme, and when submitting their scheme shall make a report to the Board of Education as to the co-operation which is to be anticipated from any such authority, and any such authority may, if they so desire, submit to the Board as well as to the council of the county any proposals or representations relating to the provision or organization of education in the area of that authority for consideration in connection with the scheme of the county.

(2) Before submitting schemes under this Act a local education authority shall consider any representations made to them by parents or other persons or bodies of persons interested, and shall adopt such measures to ascertain their views as they consider desirable, and the authority shall take such steps to give publicity to their proposals as they consider suitable, or as the Board of Education may require.

(3) A local education authority in preparing schemes under this Act shall have regard to any existing supply of efficient and suitable schools or colleges not provided by local education authorities, and to any proposals to provide such schools or colleges.

(4) In schemes under this Act adequate provision shall be made in

order to secure that children and young persons shall not be debarred from receiving the benefits of any form of education by which they are capable of profiting through inability to pay fees.

**5. Approval of schemes by Board of Education.**—(1) The Board of Education may approve any scheme (which term shall include an interim, provisional, or amending scheme) submitted to them under this Act by a local education authority, and thereupon it shall be the duty of the local education authority to give effect to the scheme.

(2) If the Board of Education are of opinion that a scheme does not make adequate provision in respect of all or any of the purposes to which the scheme relates, and the Board are unable to agree with the authority as to what amendments should be made in the scheme, they shall offer to hold a conference with the representatives of the authority and, if requested by the authority, shall hold a public inquiry in the matter.

(3) If thereafter the Board of Education disapprove a scheme, they shall notify the authority, and, if within one month after such notification an agreement is not reached, they shall lay before Parliament the report of the public inquiry (if any) together with a report stating their reasons for such disapproval and any action which they intend to take in consequence thereof by way of withholding or reducing any grants payable to the authority.

**6. Provisions as to co-operation and combination.**—(1) For the purpose of performing any duty or exercising any power under the Education Acts, a council having powers under those Acts may enter into such arrangements as they think proper for co-operation or combination with any other council or councils having such powers, and any such arrangement may provide for the appointment of a joint committee or a joint body of managers, for the delegation to that committee or body of managers of any powers or duties of the councils (other than the power of raising a rate or borrowing money), for the proportion of contributions to be paid by each council, and for any other matters which appear necessary for carrying out the arrangement.

(2) The Board of Education may, on the application of two or more councils having powers under the Education Acts, by scheme provide for the establishment and (if thought fit) the incorporation of a federation for such purposes of any such arrangements as aforesaid as may be specified in the scheme as being purposes relating to matters of common interest concerning education which it is necessary or convenient to consider in relation to areas larger than those of individual education authorities, and the powers conferred on councils by this section shall include power to arrange for the performance of any educational or administrative functions by such a federation as if it were a joint committee or a joint body of managers:

Provided that no council shall without its consent be included in a scheme establishing a federation, and no council shall be obliged to continue in a federation except in accordance with the provisions of a scheme to which it has consented.

(3) A scheme made by the Board of Education constituting a federation, and an arrangement establishing a joint committee or a joint body of managers, shall provide for the appointment of at least two-thirds of the members by councils having powers under the Education Acts, and may provide either directly or by co-optation for the inclusion of teachers or other persons of experience in education and of representatives of universities or other bodies.

(4) A scheme constituting a federation may on the application of one or more of the councils concerned be modified or repealed by a further scheme, and, where a scheme provides for the discontinuance of a federation, provision may be made for dealing with any property or liabilities of the federation.

(5) Where any arrangement under this section provides for the payment of an annual contribution by one council to another, the contribution shall, for the purposes of section nineteen of the Education Act, 1902, form part of the security on which money may be borrowed under that section.

**7. Provision as to amount of expenditure for education.**—The limit under section two of the Education Act, 1902, on the amount to be raised by the council of a county out of rates for the purpose of education other than elementary shall cease to have effect.

**Attendance at School and Employment of Children and Young Persons.**

**8. Provisions as to attendance at elementary schools.**—(1) Subject as provided in this Act, no exemption from attendance at school shall be granted to any child between the ages of five and fourteen years, and any enactment giving a power, or imposing a duty, to provide for any such exemption, and any provision of a byelaw providing for any such exemption, shall cease to have effect, without prejudice to any exemptions already granted. Any byelaw which names a lower age than fourteen as the age up to which a parent shall cause his child to attend school shall have effect as if the age of fourteen were substituted for that lower age.

(2) In section seventy-four of the Elementary Education Act, 1870, as amended by section six of the Elementary Education Act, 1900 [63 & 64 Vict. c. 53], fifteen years shall be substituted for fourteen years as the maximum age up to which byelaws relating to school attendance may require parents to cause their children to attend school, and any such byelaw requiring attendance at school of children between the ages of fourteen and fifteen may apply either generally to all such children, or to children other than those employed in any special occupations:

Provided that it shall be lawful for a local education authority to grant exemption from the obligation to attend school to individual

children between the ages of fourteen and fifteen for such time and upon such conditions as the authority think fit in any case where after due inquiry the circumstances seem to justify such an exemption.

(3) It shall not be a defence to proceedings relating to school attendance under the Education Acts or any byelaws made thereunder that a child is attending a school or institution providing efficient elementary instruction unless the school or institution is open to inspection either by the local education authority or by the Board of Education, and unless satisfactory registers are kept of the attendance of the scholars thereat.

(4) A local education authority may with the approval of the Board of Education make a byelaw under section seventy-four of the Elementary Education Act, 1870, providing that parents shall not be required to cause their children to attend school or to receive efficient elementary instruction in reading, writing, and arithmetic before the age of six years:

Provided that in considering any such byelaw the Board shall have regard to the adequacy of the provision of nursery schools for the area to which the byelaw relates, and shall, if requested by any ten parents of children attending public elementary schools for that area, hold a public inquiry for the purpose of determining whether the byelaw should be approved.

(5) Notwithstanding anything in the Education Acts the Board of Education may, on the application of the local education authority, authorize the instruction of children in public elementary schools till the end of the school term in which they reach the age of sixteen or (in special circumstances) such later age as appears to the Board desirable:

Provided that, in considering such application, the Board shall have regard to the adequacy and suitability of the arrangements made by the authority under paragraphs (a) and (c) of sub-section (1) of section two of this Act and to the effective development and organization of all forms of education in the area, and to any representations made by the managers of schools.

(6) The power of a local education authority under section seven of the Education Act, 1902, to give directions as to secular instruction shall include the power to direct that any child in attendance at a public elementary school shall attend during such hours as may be directed by the authority at any class, whether conducted on the school premises or not, for the purpose of practical or special instruction or demonstration, and attendance at such a class shall, where the local education authority so direct, be deemed for the purpose of any enactment or byelaw relating to school attendance to be attendance at a public elementary school:

Provided that, if by reason of any such direction a child is prevented on any day from receiving religious instruction in the school at the ordinary time mentioned in the time-table, reasonable facilities shall be afforded, subject to the provisions of section seven of the Elementary Education Act, 1870, for enabling such child to receive religious instruction in the school at some other time.

(7) In section eleven of the Elementary Education Act, 1876 [39 & 40 Vict. c. 79] (which relates to school attendance), for the words "there is not within two miles" there shall be substituted the words "there is not within such distance as may be prescribed by the byelaws."

(8) Nothing in this section shall affect the provisions of the Elementary Education (Blind and Deaf Children) Act, 1893 [56 & 57 Vict. c. 42], or the Elementary Education (Defective and Epileptic Children) Act, 1899 to 1914, relating to the attendance at school of the children to whom those Acts apply.

9. *Provisions for avoidance of broken school terms.*—(1) If a child who is attending or is about to attend a public elementary school or a school certified by the Board of Education under the Elementary Education (Blind and Deaf Children) Act, 1893, or the Elementary Education (Defective and Epileptic Children) Act, 1899 to 1914, attains any year of age during the school term, the child shall not, for the purpose of any enactment or byelaw, whether made before or after the passing of this Act, relating to school attendance, be deemed to have attained that year of age until the end of the term.

(2) The local education authority for the purposes of Part III. of the Education Act, 1902, may make regulations with the approval of the Board of Education providing that a child may, in such cases as are prescribed by the regulations, be refused admission to a public elementary school or such certified school as aforesaid except at the commencement of a school term.

10. *Compulsory attendance at continuation schools.*—(1) Subject as hereinafter provided, all young persons shall attend such continuation schools at such times, on such days as the local education authority of the area in which they reside may require, for three hundred and twenty hours in each year, distributed as regards times and seasons as may best suit the circumstances of each locality, or, in the case of a period of less than a year, for such number of hours distributed as aforesaid as the local education authority, having regard to all the circumstances, consider reasonable:

Provided that—

(a) the obligation to attend continuation schools shall not, within a period of seven years from the appointed day on which the provisions of this section come into force, apply to young persons between the ages of sixteen and eighteen, nor after that period to any young person who has attained the age of sixteen before the expiration of that period; and

(b) during the like period, if the local education authority so resolve, the number of hours for which a young person may be required to attend continuation schools in any year shall be two hundred and eighty instead of three hundred and twenty.

(2) Any young person—

(i) who is above the age of fourteen years on the appointed day; or

(ii) who has satisfactorily completed a course of training for, and is engaged in, the sea service, in accordance with the provisions of any national scheme which may hereafter be established, by Order in Council or otherwise, with the object of maintaining an adequate supply of well-trained British seamen, or, pending the establishment of such scheme, in accordance with the provisions of an interim scheme approved by the Board of Education; or

(iii) who is above the age of sixteen years and either—

(a) has passed the matriculation examination of a university of the United Kingdom or an examination recognized by the Board of Education for the purposes of this section as equivalent thereto; or

(b) is shewn to the satisfaction of the local education authority to have been up to the age of sixteen under full-time instruction in a school recognized by the Board of Education as efficient or under suitable and efficient full-time instruction in some other manner,

shall be exempt from the obligation to attend continuation schools under this Act unless he has informed the authority in writing of his desire to attend such schools and the authority have prescribed what school he shall attend.

(3) The obligation to attend continuation schools under this Act shall not apply to any young person—

(i) who is shewn to the satisfaction of the local education authority to be under full-time instruction in a school recognized by the Board of Education as efficient or to be under suitable and efficient full-time instruction in some other manner; or

(ii) who is shewn to the satisfaction of the local education authority to be under suitable and efficient part-time instruction in some other manner for a number of hours in the year (being hours during which if not exempted he might be required to attend continuation schools) equal to the number of hours during which a young person is required under this Act to attend a continuation school.

(4) Where a school supplying secondary education is inspected by a British university, or in Wales or Monmouthshire by the Central Welsh Board, under regulations made by the inspecting body after consultation with the Board of Education, and the inspecting body reports to the Board of Education that the school makes satisfactory provision for the education of the scholars, a young person who is attending, or has attended, such a school shall for the purposes of this section be treated as if he were attending, or had attended, a school recognized by the Board of Education as efficient.

(5) If a young person who is or has been in any school or educational institution, or the parent of any such young person, represents to the Board that the young person is entitled to exemption under the provisions of this section, or that the obligation imposed by this section does not apply to him, by reason that he is or has been under suitable and efficient instruction, but that the local education authority have unreasonably refused to accept the instruction as satisfactory, the Board of Education shall consider the representation, and, if satisfied that the representation is well founded, shall make an order declaring that the young person is exempt from the obligation to attend a continuation school under this Act for such period and subject to such conditions as may be named in the order:

Provided that the Board of Education may refuse to consider any such representation unless the local education authority or the Board of Education are enabled to inspect the school or educational institution in which the instruction is or has been given.

(6) The local education authority may require, in the case of any young person who is under an obligation to attend a continuation school, that his employment shall be suspended on any day when his attendance is required, not only during the period for which he is required to attend the school, but also for such other specified part of the day, not exceeding two hours, as the authority consider necessary in order to secure that he may be in a fit mental and bodily condition to receive full benefit from attendance at the school: Provided that, if any question arises between the local education authority and the employer of a young person whether a requirement made under this sub-section is reasonable for the purposes aforesaid, that question shall be determined by the Board of Education, and, if the Board of Education determine that the requirement is unreasonable, they may substitute such other requirement as they think reasonable.

(7) The local education authority shall not require any young person to attend a continuation school on a Sunday, or on any day or part of a day exclusively set apart for religious observance by the religious body to which he belongs, or during any holiday or half-holiday to which by any enactment regulating his employment or by agreement he is entitled, nor so far as practicable during any holiday or half-holiday which in his employment he is accustomed to enjoy, nor between the hours of seven in the evening and eight in the morning: Provided that the local education authority may, with the approval of the Board, vary those hours in the case of young persons employed at night or otherwise employed at abnormal times.

(8) A local education authority shall not, without the consent of a young person, require him to attend any continuation school held at or



in connection with the place of his employment. The consent given by a young person for the purpose of this provision may be withdrawn by one month's notice in writing sent to the employer and to the local education authority.

Any school attended by a young person at or in connection with the place of his employment shall be open to inspection either by the local education authority or by the Board of Education at the option of the person or persons responsible for the management of the school.

(9) In considering what continuation school a young person shall be required to attend a local education authority shall have regard, as far as practicable, to any preference which a young person or the parent of a young person under the age of sixteen may express, and, if a young person or the parent of a young person under the age of sixteen represents in writing to the local education authority that he objects to any part of the instruction given in the continuation school which the young person is required to attend, on the ground that it is contrary or offensive to his religious belief, the obligation under this Act to attend that school for the purpose of such instruction shall not apply to him, and the local education authority shall, if practicable, arrange for him to attend some other instruction in lieu thereof or some other school.

**11. Enforcement of attendance at continuation schools.**—(1) If a young person fails, except by reason of sickness or other unavoidable cause, to comply with any requirement imposed upon him under this Act for attendance at a continuation school, he shall be liable on summary conviction to a fine not exceeding five shillings, or, in the case of a second or subsequent offence, to a fine not exceeding one pound.

(2) If a parent of a young person has conducted to or connived at the failure on the part of the young person to attend a continuation school as required under this Act, he shall, unless an order has been made against him in respect of such failure under section ninety-nine of the Children Act, 1903 [8 Ed. 7, c. 67], be liable on summary conviction to a fine not exceeding two pounds, or, in the case of a second or subsequent offence, whether relating to the same or another young person, to a fine not exceeding five pounds.

**12. Administrative provisions relating to continuation schools.**—(1) The Board of Education may from time to time make regulations prescribing the manner and form in which notice is to be given as to the continuation school (if any) which a young person is required to attend, and the times of attendance thereat, and as to the hours during which his employment must be suspended, and providing for the issue of certificates of age, attendance and exemption, and for the keeping and preservation of registers of attendance, and generally for carrying into effect the provisions of this Act relating to continuation schools.

(2) For the purposes of the provisions of this Act relating to continuation schools, the expression "year" means in the case of any young person the period of twelve months reckoned from the date when he ceased to be a child, or any subsequent period of twelve months.

**13. Amendment of 3 Ed. 7, c. 45, and 4 Ed. 7, c. 15.**—(1) The Employment of Children Act, 1903, so far as it relates to England and Wales, shall be amended as follows:—

(i) For sub-section (1) of section three the following sub-section shall be substituted:—

"A child under the age of twelve shall not be employed; and a child of the age of twelve or upwards shall not be employed on any Sunday for more than two hours, or on any day on which he is required to attend school before the close of school hours on that day, nor on any day before six o'clock in the morning or after eight o'clock in the evening:

"Provided that a local authority may make a bye-law permitting, with respect to such occupations as may be specified, and subject to such conditions as may be necessary to safeguard the interests of the children, the employment of children of the age of twelve or upwards before school hours and the employment of children by their parents, but so that any employment permitted by bye-law on a school day before nine in the morning shall be limited to one hour, and that if a child is so employed before nine in the morning he shall not be employed for more than one hour in the afternoon."

(ii) In sub-section (2) of section three, which prohibits the employment of a child under the age of eleven years in street trading, the words "under the age of eleven years" shall be repealed:

(iii) For section twelve the following section shall be substituted:—

"Except as regards the City of London, the powers and duties of a local authority under this Act shall be deemed to be powers and duties under Part III. of the Education Act, 1902, and the provisions of the Education Acts for the time being in force with regard to those powers and duties and as to the manner in which the expenses of an authority under that Part of that Act shall be paid shall apply accordingly";

(iv) For the definition of the expression "local authority" there shall be substituted the following definition:—

"The expression 'local authority' means in the case of the City of London the mayor, aldermen, and commons of that city in common council assembled and elsewhere the local education authority for the purposes of Part III. of the Education Act, 1902."

(2) The Prevention of Cruelty to Children Act, 1904, so far as it relates to England and Wales, shall be amended as follows:—

(i) In paragraph (b) of section two, which restricts the employment of boys under the age of fourteen years and of girls under the age of sixteen years for the purpose of singing, playing or performing, or being exhibited for profit, or offering anything for sale, between nine p.m. and six a.m., "eight p.m." shall be substituted for "nine p.m." so far as relates to children under fourteen years of age:

(ii) In paragraph (c) of section two, which restricts the employment of children under eleven years for the purpose of singing, playing or performing, or being exhibited for profit, or offering anything for sale, twelve years shall be substituted for eleven years:

(iii) In section three, which relates to licences for the employment of children exceeding ten years of age, the age of twelve years shall be substituted for the age of ten years:

(iv) A licence under section three to take part in any entertainment or series of entertainments, instead of being granted, varied, added to, or rescinded as provided by that section, shall be granted by the local education authority for the purposes of Part III. of the Education Act, 1902, of the area in which the child resides, subject to such restrictions and conditions as are prescribed by rules made by the Board of Education, and may be rescinded by the authority of any area in which it takes effect or is about to take effect if the restrictions and conditions of the licence are not observed, and, subject as aforesaid, may be varied or added to by that authority at the request of the holder of the licence:

(v) The holder of a licence shall at least seven days before a child takes part in any entertainment or series of entertainments furnish the local education authority of the area in which the entertainment is to take place with particulars of the licence and such other information as the Board of Education may by rules prescribe, and if he fails to furnish such particulars and information as aforesaid he shall be liable on summary conviction to a fine not exceeding five pounds:

(vi) Sub-sections (3) and (4) of section three shall cease to apply with respect to licences to take part in an entertainment or series of entertainments:

(vii) If the applicant for a licence or a person to whom a licence has been granted feels aggrieved by any decision of a local education authority, he may appeal to the Board of Education, who may thereupon exercise any of the powers conferred on a local education authority by this section:

(viii) The provisions of this sub-section shall not apply to any licence in force on the appointed day:

(ix) References to the Employment of Children Act, 1903, shall be construed as references to that Act as amended by this Act.

**14. Prohibition against employment of children in factories, workshops, mines, and quarries.**—No child within the meaning of this Act shall be employed:—

(a) in any factory or workshop to which the Factory and Workshop Acts, 1901 to 1911, apply; or

(b) in any mine to which the Coal Mines Act, 1911 [1 & 2 Geo. 5, c. 50], applies; or

(c) in any mine or quarry to which the Metalliferous Mines Acts, 1872 [35 & 36 Vict. c. 77], and 1875 [38 & 39 Vict. c. 39], apply; unless lawfully so employed on the appointed day; and those Acts respectively shall have effect as respects England and Wales as if this provision, so far as it relates to the subject-matter thereof, was incorporated therewith.

**15. Further restrictions on employment of children.**—(1) The local education authority, if they are satisfied by a report of the school medical officer or otherwise that any child is being employed in such a manner as to be prejudicial to his health or physical development, or to render him unfit to obtain the proper benefit from his education, may either prohibit, or attach such conditions as they think fit to, his employment in that or any other manner, notwithstanding that the employment may be authorized under the other provisions of this Act or any other enactment.

(2) It shall be the duty of the employer and the parent of any child who is in employment, if required by the local education authority, to furnish to the authority such information as to his employment as the authority may require, and, if the parent or employer fails to comply with any requirement of the local education authority or wilfully gives false information as to the employment, he shall be liable on summary conviction to a fine not exceeding forty shillings.

**16. Penalties on illegal employment of children and young persons.**

—If any person—

(a) employs a child in such a manner as to prevent the child from attending school according to the Education Acts and the bye-laws in force in the district in which the child resides; or

(b) having received notice of any prohibition or restriction as to the employment of a child issued by a local education authority under this Act, employs a child in such a manner as to contravene the prohibition or restriction; or

(c) employs a young person in such a manner as to prevent the young person attending a continuation school which he is required to attend under this Act; or

(d) employs a young person at any time when, in pursuance of any requirement under this Act issued by a local education authority, the employment of that young person must be suspended; he shall be deemed to have employed the child or young person in con-

travention of the Employment of Children Act, 1903, and sub-sections (1) and (2) of section five and section six and section eight of that Act shall apply accordingly as if they were herein re-enacted and in terms made applicable to children and young persons within the meaning of this Act as well as to children within the meaning of that Act.

*Extension of Powers and Duties.*

**17. Power to promote social and physical training.]**—For the purpose of supplementing and reinforcing the instruction and social and physical training provided by the public system of education, and without prejudice to any other powers, a local education authority for the purposes of Part III. of the Education Act, 1902, as respects children attending public elementary schools, and a local education authority for the purposes of Part II. of that Act as respects other children and young persons and persons over the age of eighteen attending educational institutions, may, with the approval of the Board of Education, make arrangements to supply or maintain or aid the supply or maintenance of—

- (a) holiday or school camps, especially for young persons attending continuation schools;
- (b) centres and equipment for physical training, playing fields (other than the ordinary playgrounds of public elementary schools not provided by the local education authority), school baths, school swimming baths;
- (c) other facilities for social and physical training in the day or evening.

**18. Medical inspection of schools and educational institutions.]**—(1) The local education authority for the purposes of Part II. of the Education Act, 1902, shall have the same duties and powers with reference to making provision for the medical inspection and treatment of children and young persons attending—

- (i) secondary schools provided by them;
  - (ii) any school to the governing body of which, in pursuance of any scheme made under the Welsh Intermediate Education Act, 1889 [52 & 53 Vict. c. 40], any payments are made out of any general fund administered by a local education authority as a governing body under that Act, and any school of which a local education authority are the governing body under that Act;
  - (iii) continuation schools under their direction and control; and
  - (iv) such other schools or educational institutions (not being elementary schools) provided by them as the Board direct;
- as a local education authority for the purposes of Part III. of the Education Act, 1902, have under paragraph (b) of sub-section (1) of section thirteen of the Education (Administrative Provisions) Act, 1907, with reference to children attending public elementary schools, and may exercise the like powers as respects children and young persons attending any school or educational institution, whether aided by them or not, if so requested by or on behalf of the persons having the management thereof.

(2) The Local Education Authorities (Medical Treatment) Act, 1909 [9 Ed. 7, c. 13], shall apply where any medical treatment is given in pursuance of this section as it applies to treatment given in pursuance of section thirteen of the Education (Administrative Provisions) Act, 1907.

**19. Nursery schools.]**—(1) The powers of the local education authorities for the purposes of Part III. of the Education Act, 1902, shall include power to make arrangements for—

- (a) supplying or aiding the supply of nursery schools (which expression shall include nursery classes) for children over two and under five years of age, or such later age as may be approved by the Board of Education, whose attendance at such a school is necessary or desirable for their healthy physical and mental development; and
- (b) attending to the health, nourishment, and physical welfare of children attending nursery schools.

(2) Notwithstanding the provisions of any Act of Parliament the Board of Education may, out of moneys provided by Parliament, pay grants in aid of nursery schools, provided that such grants shall not be paid in respect of any such school unless it is open to inspection by the local education authority, and unless that authority are enabled to appoint representatives on the body of managers to the extent of at least one-third of the total number of managers, and before recognizing any nursery school the Board shall consult the local education authority.

**20. Education of physically defective and epileptic children.]**—A local education authority shall make arrangements under the Elementary Education (Defective and Epileptic Children) Acts, 1889 to 1914, for ascertaining what children in their area are physically defective or epileptic within the meaning of those Acts, and the provisions of the Elementary Education (Defective and Epileptic Children) Act, 1914 [4 & 5 Geo. 5, c. 45], relating to mentally defective children, shall be extended so as to apply to physically defective and epileptic children, and accordingly that Act shall have effect as if references therein to mentally defective children included references to physically defective and epileptic children.

**21. Powers for the education of children in exceptional circumstances.]**—Where a local education authority for the purposes of Part III. of the Education Act, 1902, are satisfied in the case of any children that, owing to the remoteness of their homes or the conditions under which the children are living, or other exceptional circumstances affecting the children, those children are not in a position to receive the full benefit

of education by means of the ordinary provision made for the purpose by the authority, the authority may, with the approval of the Board of Education, make such arrangements, either of a permanent or temporary character, and including the provision of board and lodging, as they think best suited for the purpose of enabling those children to receive the benefit of efficient elementary education, and may for that purpose enter into such agreement with the parent of any such child as they think proper.

Provided that where a child is boarded out in pursuance of this section the local education authority shall, if possible, and, if the parent so requests, arrange for the boarding out being with a person belonging to the religious persuasion of the child's parents.

**22. Amendment of Education (Choice of Employment) Act, 1910.]**—Section one of the Education (Choice of Employment) Act, 1910 [10 Ed. 7 and 1 Geo. 5, c. 37], which confers on certain local education authorities the power of assisting boys and girls with respect to the choice of employment, shall have effect as if "eighteen years of age" were therein substituted for "seventeen years of age."

**23. Power to aid research.]**—With a view to promoting the efficiency of teaching and advanced study, a local education authority for the purposes of Part III. of the Education Act, 1902, may aid teachers and students to carry on any investigation for the advancement of learning or research in or in connection with an educational institution, and with that object may aid educational institutions.

**24. Provision of maintenance allowances.]**—It is hereby declared that the powers as to the provision of scholarships conferred by sub-section (2) of section twenty-three of the Education Act, 1902, and by section eleven of the Education (Administrative Provisions) Act, 1907, include a power to provide allowances for maintenance.

**25. Provisions as to medical treatment.]**—A local education authority shall not, in exercise of the powers conferred upon them by paragraph (b) of sub-section (1) of section thirteen of the Education (Administrative Provisions) Act, 1907, or by this Act, establish a general domiciliary service of treatment by medical practitioners for children or young persons, and in making arrangements for the treatment of children and young persons a local education authority shall consider how far they can avail themselves of the services of private medical practitioners.

*Abolition of Fees in Public Elementary Schools.*

**26. Abolition of fees in public elementary schools.]**—(1) No fees shall be charged or other charges of any kind made in any public elementary school, except as provided by the Education (Provision of Meals) Act, 1906 [6 Ed. 7, c. 57], and the Local Education Authorities (Medical Treatment) Act, 1909 [9 Ed. 7, c. 13].

(2) During a period of five years from the appointed day the Board of Education shall in each year, out of moneys provided by Parliament, pay to the managers of a school maintained but not provided by a local education authority in which fees were charged immediately before the appointed day, the average yearly sum paid to the managers under section fourteen of the Education Act, 1902, during the five years immediately preceding the appointed day.

(3) Nothing in this Act shall affect the provisions of section nine of the Elementary Education (Blind and Deaf Children) Act, 1893, or of section eight of the Elementary Education (Defective and Epileptic Children) Act, 1889 [62 & 63 Vict. c. 32].

*Administrative Provisions.*

**27. Voluntary inspection of schools.]**—If the governing body of any school or educational institution not liable to inspection by any Government department, or, if there is no governing body, the headmaster, requests the Board of Education to inspect the school or institution and to report thereon, the Board of Education may do so, if they think fit, free of cost; but this section shall be without prejudice to the provisions relating to the Central Welsh Board contained in sub-section (1) of section three of the Board of Education Act, 1899 [62 & 63 Vict. c. 33].

**28. Collection of information respecting schools.]**—(1) In order that full information may be available as to the provision for education and the use made of such provision in England and Wales,—

(a) It shall be the duty of the responsible person as hereinafter defined, in respect of every school or educational institution not in receipt of grants from the Board of Education, to furnish to the Board of Education in a form prescribed by the Board—

- (i) in the case of a school or educational institution existing at the appointed day, within three months of that day;
- (ii) in the case of a school or educational institution opened after the appointed day, within three months of the opening thereof;

the name and address of the school or institution and a short description of the school or institution;

(b) It shall be the duty of every such responsible person when required by the Board of Education to furnish to the Board such further particulars with respect to the school or institution as may be prescribed by regulations made by the Board.

Provided that the Board may exempt from both or either of the above obligations any schools or educational institutions with respect to which the necessary information is already in the possession of the Board or is otherwise available.

(2) If the responsible person fails to furnish any information required by this section, he shall be liable on summary conviction to a penalty not exceeding ten pounds, and to a penalty not exceeding five



pounds for every day on which the failure continues after conviction therefor.

(3) For the purposes of this section "the responsible person" means the secretary or person performing the duty of secretary to the governing body of the school or institution, or, if there is no governing body, the head master or person responsible for the management of the school or institution.

(4) Any regulations made by the Board of Education under this section with respect to the particulars to be furnished shall be laid before Parliament as soon as may be after they are made.

**29. Provisions with respect to appointment of certain classes of teachers.]—**(1) Notwithstanding anything in the Education Act, 1902, the appointment of all teachers of secular subjects not attached to the staff of any particular public elementary school and teachers appointed for the purpose of giving practical instruction, pupil teachers, and student teachers, shall be made by the local education authority, and it is hereby declared that the local education authority have power to direct the managers of any public elementary schools not provided by them to make arrangements for the admission of any such teachers to the schools.

(2) The provisions of sub-section (3) of section seven of the Education Act, 1902, shall apply to any question which arises under this section between the local education authority and the managers of a school.

**30. Provisions as to closing of schools.]—**(1) The managers of a public elementary school not provided by the local education authority, if they wish to close the school, shall give eighteen months' notice to the local education authority of their intention to close the school, and a notice under this provision shall not be withdrawn except with the consent of the local education authority.

(2) If the managers of a school who have given such a notice are unable or unwilling to carry on the school up to the expiration of the period specified in the notice, the school house shall be put at the disposal of the local education authority, if the authority so desire, for the whole or any part of the period, free of charge, for the purposes of a school provided by them, but subject to an obligation on the part of the authority to keep the school house in repair and to pay any outgoings in respect thereof, and to allow the use of the school house and the school furniture by the persons who were the managers of the school to the like extent and subject to the like conditions as if the school had continued to be carried on by those managers.

The use by the authority of the school house during such period for the purposes of a school provided by them shall not be deemed, for the purposes of section eight of the Education Act, 1902, to constitute the provision of a new school.

**31. Grouping of non-provided schools of the same denominational character.]—**Where there are two or more public elementary schools not provided by the local education authority of the same denominational character in the same locality, the local education authority, if they consider that it is expedient for the purpose of educational efficiency and economy, may, with the approval of the Board of Education, give directions for the distribution of the children in those schools according to age, sex, or attainments, and otherwise with respect to the organization of the schools; and for the grouping of the schools under one body of managers constituted in the manner provided by sub-section (2) of section twelve of the Education Act, 1902:

Provided that, if the constitution of the body of managers fails to be determined by the Board of Education under that section, the Board shall observe the principles and proportions prescribed by sections six and eleven of that Act; and that, if the managers of a school affected by any directions given under this section request a public inquiry, the Board shall hold a public inquiry before approving those directions.

**32. Provisions relating to central schools and classes.]—**(1) Notwithstanding the provisions of section six of the Education Act, 1902, or, in the case of London, sub-section (1) of section two of the Education (London) Act, 1903 [3 Ed. 7, c. 24], as to the appointment of managers, any public elementary school which in the opinion of the Board is organized for the sole purpose of giving advanced instruction to older children may be managed in such manner as may be approved by the local education authority, and, in the case of a school not provided by that authority, also by the managers of the school.

(2) Notwithstanding anything contained in sections six and eight of the Education Act, 1902, or in section two of the Education (London) Act, 1903, the provision of premises for classes in practical or advanced instruction for children attending from more than one public elementary school shall not be deemed to be the provision of a new public elementary school, and any class conducted in such premises may be managed in such manner as may be approved by the local education authority.

**33. Saving for certain statutory provisions.]—**Except as expressly provided by this Act, nothing in this Act shall affect the provisions of the Education Acts relating to public elementary schools not provided by the local education authority or the provisions of Part II. of the Education Act, 1902.

**34. Acquisition of land by local education authority.]—**(1) A local education authority may be authorized to purchase land compulsorily for the purpose of any of their powers or duties under the Education Acts, by means of an order submitted to the Board of Education and confirmed by the Board in accordance with the provisions contained in paragraphs (1) to (13) of the First Schedule to the Housing Town Planning, &c., Act, 1909 [9 Ed. 7, c. 44], and those provisions shall

have effect for the purpose, with the substitution of the Board of Education for the Local Government Board, of the local education authority for the local authority, and of references to the Education Acts for references to "this Act":

Provided that—

(a) the Board of Education shall not confirm any such order even when unopposed if they are of opinion that the land is unsuited for the purpose for which it is proposed to be acquired;

(b) an order for the compulsory purchase of land in the administrative county of London shall be subject to the provisions of sub-section (2) of section two of the Education (London) Act, 1903;

(c) an order for the compulsory purchase of land which by section forty-five of the Housing, Town Planning, &c., Act, 1909, is exempt from compulsory acquisition for the purposes of Part III. of the Housing of the Working Classes Act, 1890 [53 & 54 Vict. c. 70], shall be provisional only and shall not have effect unless and until it is confirmed by Parliament.

(2) The powers given by this section in relation to the compulsory purchase of land by the local education authority shall be in substitution for any other powers existing for that purpose, but without prejudice to any powers conferred by any Provisional Order confirmed by Parliament before the appointed day.

**35. Power to provide elementary schools outside area.]—**A local education authority may, with the consent of the Board of Education, who shall consult the authority of the area in which the proposed site is situated, provide a public elementary school, in cases where it appears convenient to do so, on a site outside their area for the use of children within their area, and for the purposes of the Education Acts a school so provided shall be deemed to be situated within the area of the authority.

**36. Amendments with respect to the allocation of expenses to particular areas.]—**(1) It shall not be obligatory on a county council to charge on or raise within particular areas any portion of such expenses as are mentioned in paragraph (c) or paragraph (d) of sub-section (1) of section eighteen of the Education Act, 1902, and accordingly each of those paragraphs shall have effect as if for the word "shall" there was substituted the word "may" and as if the words "less than one half or" were omitted therefrom; and, where before the passing of this Act any portion of such expenses has been charged on or allocated to any area, the county council may cancel or vary the charge or allocation.

(2) Before charging any expenses under section eighteen (1) (a) of the Education Act, 1902, on any area situate within a borough or urban district the council of which is an authority for the purposes of Part III. of the Education Act, 1902, a county council shall consult the council of the borough or urban district concerned.

**37. Provisions as to expenses of Provisional Orders, &c.]—**Any expenses incurred by a council in connection with any Provisional Order for the purposes of the Education Acts, or any Order under this Act for the purpose of the acquisition of land, shall be defrayed as expenses of the council under the Education Act, 1902, and the council shall have the same power of borrowing for the purpose of those expenses as they have under section nineteen of the Education Act, 1902, for the purpose of the expenses therein mentioned.

**38. Expenses of education meetings, conferences, &c.]—**Any council having powers under the Education Acts may, subject to regulations made by the Board of Education, defray as part of their expenses under those Acts any reasonable expenses incurred by them in paying subscriptions towards the cost of, or otherwise in connection with, meetings or conferences held for the purpose of discussing the promotion and organization of education or educational administration, and the attendance of persons nominated by the council at any such meeting or conference: Provided that—

(a) the expenses of more than three persons in connection with any meeting or conference shall not be paid except with the previous sanction of the Board of Education;

(b) payments for travelling expenses and subsistence shall be in accordance with the scale adopted by the council;

(c) expenses shall not be paid in respect of any meeting or conference outside the United Kingdom unless the Board of Education have sanctioned the attendance of persons nominated by the council at the meeting or the conference;

(d) no expenses for any purpose shall be paid under this section without the approval of the Board of Education, unless expenditure for the purpose has been specially authorized or ratified by resolution of the council, after special notice has been given to members of the council of the proposal to authorize or ratify the expenditure, or, where a council has delegated its powers under this section to the education committee, by resolution of that committee after like notice has been given to the members thereof.

**39. Power to pay expenses of prosecution for cruelty.]—**The powers of a local education authority for the purposes of Part III. of the Education Act, 1902, shall include a power to prosecute any person under section twelve of the Children Act, 1908, where the person against whom the offence was committed was a child within the meaning of this Act, and to pay any expenses incidental to the prosecution.

**40. Public inquiries by Board of Education.]—**(1) The Board of Education may hold a public inquiry for the purpose of the exercise of any of their powers or the performance of any of their duties under the Education Acts.

(2) The following provisions shall (except as otherwise provided by the Education Acts) apply to any public inquiry held by the Board of Education:—

(a) The Board shall appoint a person or persons to hold the inquiry:

(b) The person or persons so appointed shall hold a sitting or sittings in some convenient place in the neighbourhood to which the subject of the inquiry relates, and thereat shall hear, receive, and examine any evidence and information offered, and hear and inquire into the objections or representations made respecting the subject matter of the inquiry, with power from time to time to adjourn any sitting:

(c) Notice shall be published in such manner as the Board direct of every such sitting, except an adjourned sitting, seven days at least before the holding thereof:

(d) The person or persons so appointed shall make a report in writing to the Board setting forth the result of the inquiry and the objections and representations, if any, made thereat, and any opinion or recommendations submitted by him or them to the Board:

(e) The Board shall furnish a copy of the report to any local education authority concerned with the subject matter of the inquiry, and, on payment of such fee as may be fixed by the Board, to any person interested:

(f) The Board may, where it appears to them reasonable that such an order should be made, order the payment of the whole or any part of the costs of the inquiry either by any local education authority to whose administration the inquiry appears to the Board to be incidental, or by the applicant for the inquiry, and may require the applicant for an inquiry to give security for the costs thereof:

(g) Any order so made shall certify the amount to be paid by the local education authority or the applicant, and any amount so certified shall, without prejudice to the recovery thereof as a debt due to the Crown, be recoverable by the Board summarily as a civil debt from the authority or the applicant as the case may be.

**41. Inspection of minutes.**—The minutes of the proceedings of a local education authority and, where a local education authority delegate to their education committee any powers and the acts and proceedings of the education committee as respects the exercise of those powers are not required to be submitted to the council for their approval, the minutes of the proceedings of the education committee relating to the exercise of those powers, shall be open to the inspection of any ratepayer at any reasonable time during the ordinary hours of business on payment of a fee of one shilling, and any ratepayer may make a copy thereof or take an extract therefrom.

**42. Payments to the Central Welsh Board.**—(1) For the yearly sum payable to the Central Welsh Board under the scheme regulating the intermediate and technical education fund of any county, as defined by the Welsh Intermediate Education Act, 1889, there shall be substituted—

(a) a yearly sum equal to a percentage not exceeding twenty-two and a half per cent. fixed from time to time at a uniform rate for every county by the Central Welsh Board of the sum produced by a rate of one halfpenny in the pound for the preceding year, calculated in the manner provided by sub-section (3) of section eight of the Welsh Intermediate Education Act, 1889; and

(b) a yearly sum equal to five per cent. of the net income for the preceding year of any endowment comprised in the intermediate and technical education fund of the county, or, in the alternative, for each year during such period as may be agreed with the Central Welsh Board, such yearly sum as that Board may agree to accept in lieu thereof.

(2) For the purpose of ascertaining the said net income there shall be deducted from the gross income all proper expenses and outgoings in respect of administration and management of the endowment (including charges for interest on and repayment of loans and replacement of capital), and any sums required by the scheme to be treated as capital, and the term "endowment" shall include augmentations acquired by the investment of surplus income whether derived from endowment or county rate, or from any other source, but not property occupied for the purposes of the scheme.

(3) The power of charging capitation fees for scholars offered for examination conferred on the Central Welsh Board by the scheme of the thirteenth day of May, eighteen hundred and ninety-six, regulating the Central Welsh Intermediate Education Fund shall cease.

(4) The provisions of this section shall have effect and be construed as part of the schemes regulating the Central Welsh Intermediate Education Fund and the intermediate and technical education funds of counties in Wales and Monmouthshire, and may be repealed or altered by future schemes accordingly.

**43. Evidence of certificates, &c., issued by local education authorities.**—All orders, certificates, notices, requirements, and documents of a local education authority under the Education Acts, if purporting to be signed by the clerk of the authority or of the education committee, or by the director of, or secretary for, education, shall until the contrary is proved be deemed to be made by the authority and to have been so signed, and may be proved by the production of a copy thereof purporting to have been so signed.

#### Education Grants.

**44. Education grants.**—(1) The Board of Education shall, subject to the provisions of this Act, by regulations provide for the payment to local education authorities out of moneys provided by Parliament of annual substantive grants in aid of education of such amount and subject to such conditions and limitations as may be prescribed in the regulations, and nothing in any Act of Parliament shall prevent the Board of Education from paying grants to an authority in respect of any expenditure which the authority may lawfully incur.

(2) Subject to the regulations made under the next succeeding subsection, the total sums paid to a local education authority out of moneys provided by Parliament and the local taxation account in aid of elementary education or education other than elementary, as the case may be, shall not be less than one half of the net expenditure of the authority recognized by the Board of Education as expenditure in aid of which parliamentary grants should be made to the authority, and, if the total sums payable out of those moneys to an authority in any year fall short of one half of that expenditure, there shall be paid by the Board of Education to that authority, out of moneys provided by Parliament, a deficiency grant equal to the amount of the deficiency, provided that a deficiency grant shall not be so paid as to make good to the authority any deductions made from a substantive grant.

(3) The Board of Education may make regulations for the purpose of determining how the amount of any deficiency grant payable under this section shall be ascertained and paid, and those regulations shall, if the Treasury so direct, provide for the exclusion in the ascertainment of that amount of all or any sums paid by any Government department other than the Board of Education and of all or any expenditure which in the opinion of the Board of Education is attributable to a service in respect of which payments are made by a Government department other than the Board of Education.

(4) The fee grant under the Elementary Education Act, 1891 [54 & 55 Vict. c. 56], as amended by the Elementary Education (Fee Grant) Act, 1916 [6 & 7 Geo. 5, c. 35], the aid grant under section ten of the Education Act, 1902, and the small population grant under section nineteen of the Elementary Education Act, 1876 [39 & 40 Vict. c. 79], as amended by the Education Code (1890) Act, 1890 [53 & 54 Vict. c. 22], and the Education (Small Population Grants) Act, 1915 [5 & 6 Geo. 5, c. 95], shall cease on the appointed day.

(5) If, by reason of the failure of an authority to perform its duties under the Education Acts or to comply with the conditions on which grants are made, the deficiency grant is reduced or a deduction is made from any substantive grant exceeding five hundred pounds or the amount which would be produced by a rate of a halfpenny in the pound whichever is the less, the Board of Education shall cause to be laid before Parliament a report stating the amount of and the reasons for the reduction or deduction.

(6) Any regulations made by the Board of Education for the payment of grants shall be laid before Parliament as soon as may be after they are made.

#### Educational Trusts.

**45. Power to constitute official trustees of educational trust property.**

—(1) His Majesty may by Order in Council constitute and incorporate with power to hold land without licence in mortmain one or more official trustees of educational trust property, and may apply to the trustee or trustees so constituted the provisions of the Charitable Trusts Acts, 1853 to 1914, relating to the official trustee of charity lands and the official trustees of charitable funds so far as they relate to endowments which are held for or ought to be applied to educational purposes.

(2) On the constitution of an official trustee or official trustees of educational trust property,—

(a) all land or estates or interests in land then vested in the official trustee of charity lands which are held by him as endowments for solely educational purposes, and

(b) all securities then vested in the official trustees of charitable funds which those trustees certify to be held by them as endowments for solely educational purposes,

shall by virtue of this Act vest in the official trustee or trustees of educational trust property upon the trusts and for the purposes for which they were held by the official trustee of charity lands and the official trustees of charitable funds, and, on such a certificate by the official trustees of charitable funds as aforesaid being sent to the person having charge of the books or registers in which any such securities are inscribed or registered, that person shall make such entries in the books or registers as may be necessary to give effect to this section.

(3) If any question arises as to whether an endowment or any part of an endowment is held for or ought to be applied to solely educational purposes, the question shall be determined by the Charity Commissioners.

**46. Exemption of assurance of property for educational purposes from certain restrictions under the Mortmain Acts.**—(1) Any assurance, as defined by section ten of the Mortmain and Charitable Uses Act, 1888 [51 & 52 Vict. c. 42], of land or personal estate to be laid out in the purchase of land for educational purposes, whether made before or after the passing of this Act, shall be exempt from any restrictions of the law relating to Mortmain and Charitable Uses, and the Mortmain and Charitable Uses Acts, 1888 and 1891 [54 & 55 Vict., c. 73], and the Mortmain and Charitable Uses Act Amendment Act, 1892 [55 & 56 Vict. c. 11], shall not apply with respect to any such assurance.

(2) Sub-section (1) of section ten of the Technical and Industrial Institutions Act, 1892 [55 & 56 Vict. c. 29], so far as it relates to the



enrolment in the books of the Charity Commissioners of every conveyance or assurance of land for the purposes of institutions established under that Act, is hereby repealed.

(3) Every assurance of land or personal estate to be laid out in the purchase of land for educational purposes, including every assurance of land to any local authority for any educational purpose or purposes for which such authority is empowered by any Act of Parliament to acquire land, shall be sent to the offices of the Board of Education in London for the purpose of being recorded in the books of the Board as soon as may be after the execution of the deed or other instrument of assurance, or in the case of a will after the death of the testator.

**47. Appointment of new trustees under scheme.**—Where, under any scheme made before the passing of this Act relating to an educational charity, the approval of the Board of Education is required to the exercise by the trustees under the scheme of a power of appointing new trustees, the scheme shall, except in such cases as the Board may otherwise direct, have effect as if no such approval was required thereunder, and the Board may by order make such modifications of any such scheme as may be necessary to give effect to this provision.

*General.*

**48. Definitions.**—(1) In this Act, unless the context otherwise requires,—

The expression "child" means any child up to the age when his parents cease to be under any obligation to cause him to receive efficient elementary instruction or to attend school under the enactments relating to elementary education and the bye-laws made thereunder;

The expression "young person" means a person under eighteen years of age who is no longer a child;

The expression "parent" in relation to a young person includes guardian and every person who is liable to maintain or has the actual custody of the young person;

The expression "practical instruction" means instruction in cookery, laundrywork, housewifery, dairywork, handicrafts, and gardening, and such other subjects as the Board declare to be subjects of practical instruction;

The expression "school term" means the term as fixed by the local education authority;

The expression "sea service" has the same meaning as in the Merchant Shipping Acts, 1894 to 1916, and includes sea-fishing service;

Other expressions have the same meaning as in the Education Acts.

(2) In the Education Acts the expressions "employ" and "employment" used in reference to a child or young person include employment in any labour exercised by way of trade or for the purposes of gain, whether the gain be to the child or young person or to any other person.

**49. Compensation to existing officers.**—Section one hundred and twenty of the Local Government Act, 1888 (51 & 52 Vict. c. 41), which relates to compensation to existing officers, shall apply to officers serving under local education authorities at the passing of this Act who, by virtue of this Act or anything done in pursuance or in consequence of this Act, suffer direct pecuniary loss by abolition of office or by diminution or loss of fees or salary, subject as follows:—

(a) Teachers in public elementary schools maintained by a local education authority shall be deemed to be officers serving under that authority;

(b) References to a county council shall include references to a borough or urban district council;

(c) The reference to "the passing of this Act" shall be construed as a reference to the date when the loss arose;

(d) The reference to the Acts and rules relating to His Majesty's civil service shall be construed as a reference to the Acts and rules which were in operation at the date of the passing of the Local Government Act, 1888; and

(e) Any expenses shall be paid by the council under whom the officer was serving at the date when the loss arose out of the fund or rate out of which the expenses of the council under the Education Acts are paid, and, if any compensation is payable otherwise than by way of an annual sum, the payment of that compensation shall be a purpose for which a council may borrow for the purposes of those Acts.

**50. Extension of certain provisions of the Education Acts.**—The provisions of the Education Acts mentioned in the first column of the First Schedule to this Act shall apply with respect to young persons, continuation schools, and the Education Acts and instruments made thereunder in like manner as they apply with respect to children, elementary schools, and the enactments mentioned in those provisions and instruments made under those enactments, and accordingly those provisions shall have effect as set out and modified in the second column of that schedule.

**51. Repeals.**—The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

**52. Short title, construction, extent, and commencement.**—(1) This Act may be cited as the Education Act, 1918, and shall be read as one with the Education Acts, 1870 to 1916, and those Acts and this Act may be cited together as the Education Acts, 1870 to 1918, and are in this Act referred to as "the Education Acts."

(2) This Act shall not extend to Scotland or Ireland.

(3) This Act shall come into operation on the appointed day, and the appointed day shall be such day as the Board of Education may appoint, and different days may be appointed for different purposes and for different provisions of this Act, for different areas or parts of areas, and for different persons or classes of persons:

Provided that the appointed day for the purposes of sub-sections (1) and (2) of section eight shall not be earlier than the termination of the present war, and for the purposes of paragraph (iii) of sub-section (2) of section thirteen shall not be earlier than three years after the passing of this Act, and that for a period of seven years from the appointed day the duty of the council of a county (other than the London County Council) shall not include a duty to establish certified schools for boarding and lodging physically defective and epileptic children.

SCHEDULES.

FIRST SCHEDULE.

[Section 50.]

EXTENSION OF ENACTMENTS.

Enactment Extended.	Enactment as Extended.
Elementary Education Act, 1870. s. 36	Every local education authority may, if they think fit, appoint an officer or officers to enforce the Education Acts and any bye laws, orders, or other instruments made thereunder with reference to the attendance of children or young persons at school.
s. 81	Certificates, notices, requisitions, orders, precepts, and all documents required by the Education Acts or any regulations or bye-laws made thereunder to be served or sent may, unless otherwise expressly provided, be served and sent by post, and, till the contrary is proved, shall be deemed to have been served and received respectively at the time when the latter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that the letter containing the certificate, notice, requisition, order, precept, or document was prepaid, and properly addressed, and put into the post.
s. 84	After the expiration of three months from the date of any order or requisition of the Board of Education under the Education Acts such order or requisition shall be presumed to have been duly made, and to be within the powers of the Education Acts, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.
Elementary Education Act, 1873. s. 24	With respect to proceedings before a court of summary jurisdiction for offences and penalties under the Education Acts or any bye laws made thereunder the following provisions shall have effect:—  (4) Any justice may require by summons any parent or employer of a child or young person, required by the Education Acts or by any bye-laws, orders, or other instruments made thereunder to attend school, to produce the child or young person before a court of summary jurisdiction, and any person failing, without reasonable excuse to the satisfaction of the court, to comply with such summons shall be liable to a penalty not exceeding twenty shillings.  (5) A certificate purporting to be under the hand of the principal teacher of a public elementary or continuation school, stating that a child or young person is or is not attending such school, or stating the particulars of the attendance of a child or young person at such school, shall be evidence of the facts stated in such certificate.  (6) Where a child or young person is apparently of the age alleged for the purposes of the proceedings, it shall lie on the defendant to prove that the child or young person is not of such age.

Enactment Extended.	Enactment as Extended.	Session and Chapter.	Short Title.	Extent of Repeal.	
Elementary Education Act, 1873. s. 24— <i>cont.</i>	(8) Where a local education authority are, by reason of the default of the managers or proprietor of an elementary or continuation school, unable to ascertain whether a child or young person who is resident within the district of such local education authority and attends such school attends school in conformity with the Education Acts or any bye-laws, orders, or other instruments made thereunder, it shall lie on the defendant to shew that the child or young person has attended school in conformity with the said Acts, bye-laws, orders, or other instruments.	39 & 40 Vict. c. 79— <i>cont.</i>	The Elementary Education Act, 1876— <i>cont.</i>	hibited from being taken into full time employment." Section nineteen. In section twenty-four from the beginning of the section down to "the parent of such child"; and the words "and the persons by whom and the form in which certificates of the said proficiency and due attendance are to be granted, and with respect to other matters relating thereto"; and the words "and other records of such proficiency and attendance." Section twenty-eight. Section twenty-nine. Section thirty-five. In section thirty-seven the words from "And every person who shall fraudulently" down to "not exceeding fourteen days." Section thirty-nine. Section forty. Section forty-five. Section forty-six. Section forty-seven. Section fifty. The First Schedule. Section four. Section five.	
Elementary Education Act 1876. s. 38	No legal proceedings for non-attendance or irregular attendance at school shall be commenced in a court of summary jurisdiction by any person appointed to carry out the Education Acts or any bye-laws made thereunder, except by the direction of not less than two members of the education committee of a local education authority, or of any sub-committee appointed by that committee for school attendance purposes.				
<div>SECOND SCHEDULE.</div> <div>[Section 51.]</div> <div>ENACTMENTS REPEALED.</div>					
Session and Chapter.	Short Title.	Extent of Repeal.	Session and Chapter.	Short Title.	Extent of Repeal.
33 & 34 Vict. c. 75.	The Elementary Education Act, 1870.	Section seventeen. In section twenty from the beginning of sub-section (2) to the end of sub-section (8). Section fifty-two. Sections sixty-seven to seventy-two. Section seventy-three. In section seventy-four the words "(3) Providing for the remission or payment of the whole or any part of the fees of any child where the parent satisfies the school board that he is unable from poverty to pay the same"; and the words from "Provided that any bye-law" down to the words "specified in such bye-law." Section ninety-four. Section ninety-seven from "Provided that no such minute" to the end of the section.	43 & 44 Vict. c. 23.	The Elementary Education Act, 1880.	
35 & 36 Vict. c. 27.	The Elementary Education Act Amendment Act, 1872.	The whole Act.	53 & 54 Vict. c. 22.	The Education Code (1890) Act, 1890.	The whole Act.
36 & 37 Vict. c. 85.	The Elementary Education Act, 1873.	Section fifteen. Section nineteen. Sub-sections (3) and (7) of section twenty-four, and in sub-section (5) the words "or stating that a child has been certified by one of Her Majesty's Inspectors to have reached a particular standard of education." Section five. Section six. Section seven from "Provided that" to the words "by information and otherwise." Section nine. Section ten. In section eleven the words "who is under this Act pro-	54 & 55 Vict. c. 56.	The Elementary Education Act, 1891.	The whole Act.
39 & 40 Vict. c. 79.	The Elementary Education Act, 1876.		55 & 56 Vict. c. 29.	The Technical and Industrial Institutions Act, 1892.	In section ten the words "but every such conveyance or assurance shall be enrolled as soon as may be in the books of the Charity Commissioners." The whole Act.
			56 & 57 Vict. c. 51.	The Elementary Education (School Attendance) Act, 1893.	The whole Act.
			60 & 61 Vict. c. 32.	The School Board Conference Act, 1897.	The whole Act.
			62 & 63 Vict. c. 13.	The Elementary Education (School Attendance) Act (1893) Amendment Act, 1899.	The whole Act.
			63 & 64 Vict. c. 53.	The Elementary Education Act, 1900.	Section one. In section six the words "and in section four of the Elementary Act, 1880." Section seven. The whole Act.
			1 Ed. 7, c. 11.	The Education Act, 1901.	
			1 Ed. 7, c. 22.	The Factory and Workshop Act, 1901.	Sections sixty-eight to seventy-two except as respects children lawfully employed in factories and workshops at the commencement of this Act and except as respects Scotland and Ireland. The whole Act.
			2 Ed. 7, c. 19.	The Education Act (1901) (Renewal) Act, 1902.	
			2 Ed. 7, c. 42.	The Education Act, 1902.	In sub-section (1) of section two from "Provided that the amount" to the end of the sub-section. Sub-section (5) of section seven from "and in any case" to the end of the sub-section. Section ten. Section fourteen. Sub-section (7) of section seven-



Session and Chapter.	Short Title.	Extent of Repeal.	Session and Chapter.	Short Title.	Extent of Repeal.
2 Ed. 7, c. 42— <i>cont.</i>	The Education Act, 1902— <i>cont.</i>	Sub-section (1) of section twenty-one. In sub-section (3) thereof the words "or provisional order," in sub-section (3) thereof the words "or any provisional order made for the purposes of such a scheme." Sub-sections (5) and (10) of section twenty-three. In the Third Schedule, paragraph (1), from "except as respects" to the end of the paragraph, and paragraph (5). The whole Act.	7 Ed. 7, c. 43— <i>cont.</i>	The Education (Administrative Provisions) Act, 1907— <i>cont.</i>	In sub-section (1) of section fourteen the words "or a ground of exemption for the purposes of section nine of the latter Act."
9 Ed. 7, c. 29.	The Education (Administrative Provisions) Act, 1909.	Section three, without prejudice to the legality of anything retrospectively legalised thereby.	5 & 6 Geo. 5, c. 95.	The Education (Small Population Grants) Act, 1915.	The whole Act.
3 Ed. 7, c. 10.	The Education (Provision of Working Balances) Act, 1903.	The whole Act.	6 & 7 Geo. 5, c. 35.	The Elementary Education (Fee Grant) Act, 1916.	The whole Act.
3 Ed. 7, c. 24.	The Education (London) Act, 1903.	In the First Schedule paragraphs (2) and (7).			
7 Ed. 7, c. 43.	The Education (Administrative Provisions) Act, 1907.	Section four, without prejudice to the legality of anything retrospectively legalised thereby.			

## CHAPTER 40.

## THE INCOME TAX ACT, 1918.

An Act to Consolidate the Enactments relating to Income Tax.  
8th August, 1918.

## INDEX TO STATUTES

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